

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
ORDINARY AND ORIGINAL CIVIL JURISDICTION**

**CHAMBER SUMMONS NO.89 OF 2018
WITH
CHAMBER SUMMONS NO.883 OF 2018
WITH
NOTICE OF MOTION NO.1630 OF 2018
IN
SUIT NO.934 OF 2018**

Sahil Infra Creative Pvt. Ltd. and Anr.Plaintiffs

Vs.

Sun Vision Emerald and Ors.Defendants

Mr. Sharique Nachan a/w. Mr. Chinmaya Acharya I/b. Mr. Sumit Phatale for plaintiffs/applicant in CHS/89/2018.

Mr. Bipin S. Sanjay for defendant nos.2,4 and 5.

Mr. Anoshak Daver a/w. Ms. Rashmi Salian and Ms. Janvi Dutta I/b. Vigil Juris for applicant in CHS/883/2018.

CORAM : K.R.SHRIRAM, J.

DATE : 10th DECEMBER 2018

P.C.:

1 Mr. Daver states that out of the 17 persons, who have applied to be brought on record, 8 are already there in the schedule annexed to the chamber summons no.89 of 2018 taken out by plaintiffs. Therefore, Mr. Nachan states that chamber summons no.883 of 2018 be allowed.

2 Both chamber summons are allowed and accordingly disposed in terms of prayer clauses – (a) and (b).

3 Amendment to be carried out and copy of the amended plaint to be served within two weeks from today.

4 Mr. Daver states that his instructing advocates will accept service of the amended plaint on behalf of newly added defendants and also waives service of the writ of summons. Instructing advocates of Mr. Daver shall inform that this order has been passed within two weeks from today to all the parties concerned.

5 In view of the above, the consequential amendment to the plaint also granted.

6 Defendants shall file written statement and serve a copy thereof upon plaintiffs by 31st January 2019, failing which the suit may be decreed ex-parte against that defendant.

7 Parties to file their respective affidavit of documents and serve a copy thereof upon the other side on or before 8th February 2019, failing which parties will not be permitted to rely on any document, copy whereof is not annexed to the plaint and/or written statement or mentioned in the list of documents annexed to the plaint and/or written statement.

8 Inspection to be given and statement of admission and denial with reasons for denial to be exchanged by 16th February 2019. If the statement of admission and denial is not given, parties shall be deemed to have admitted the existence of all the documents of the other side. If inspection is not given, such party will not be permitted to rely on any document.

9 Suit be listed for issues on 20th February 2019 on which date parties shall come with agreed draft issues and a separate list of issues on which they are unable to agree. On the next date, if parties do not come with draft issues, they are put to notice that parties will be put to terms.

(K.R. SHRIRAM, J.)