

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

NOTICE OF MOTION NO.1611 OF 2013

IN

SUIT NO.3333 OF 1994

Walter D'souza

....Applicant

IN THE MATTER BETWEEN :

Joseph Da Gama and Anr.

....Plaintiffs

Vs.

The Associates Cement Co. Ltd. & Ors.

....Defendants

Mr. Clive D'souza for applicant/plaintiffs.

Ms. Jyotsna Puthran I/b. Sanjeev Kanchan and Co. for defendant no.1.

Mr. Nikhil Mehta I/b. KMC Legal Venture for defendant no.3.

CORAM : K.R.SHRIRAM, J.

DATE : 28th AUGUST, 2018

P.C.:

1 Mr. Mehta and Ms. Puthran state that without prejudice to their rights and contentions in the suit, the relief as prayed for in prayer clauses – (a) to (d) may be granted and defendants will raise all their defences in the suit.

2 Therefore, notice of motion is allowed and accordingly disposed in terms of prayer clauses – (a) to (d).

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

4 Further written statement to be filed and copy served within two weeks of receiving copy of the amended plaint.

5 Since the claim in the suit is below Rs.1 Crore, registry to transfer the suit to Bombay City Civil Court at Bombay within four weeks from today and registry of City Civil Court, Bombay shall place it before the appropriate Court on 12th October 2018 for directions.

Gauri
Amit
Gaekwad

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signed by
Gauri Amit
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(K.R. SHRIRAM, J.)