

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

NOTICE OF MOTION NO.2019 OF 2018

WITH

NOTICE OF MOTION NO.2021 OF 2018

IN

SUIT NO.2811 OF 1986

Jay Properties Private Limited Plaintiff

Vs.

Thomas Moore Pereira and Ors. Defendants

Mr. Sandeep Parikh a/w. Mr. Durgaprasad Poojari I/b. PDS and Associates
for plaintiff.

Mr. Sean Wassoodew for defendant no.1.

Mr. Jaideep Mitra I/b. Ms. Vijaya Ingule for defendant nos.3(a) to 3(c).

CORAM : K.R.SHRIRAM, J.

DATE : 28th SEPTEMBER 2018

P.C.:

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1 Heard the counsel for applicant and also considered the affidavit in support. The averments in the affidavit are not dis-believable. At the same time, a party cannot forget about the matter just because they have advocates to represent them. I would expect the party to atleast follow up with the advocate once in a while to know the status. Nothing seems to have been done.

2 Be that as it may, since Mr. Mitra states that the written statement is ready and will be lodged in the registry and copy will be provided to plaintiff during the course of today, notice of motion is allowed and accordingly disposed in terms of prayer clauses – (a), (b) and (c).

3 Certainly Mr. Parikh, counsel for plaintiff is opposing this notice of motion and states that the attempt is only to delay the progress of the suit and the suit is listed today for recording of evidence/marking of documents.

4 In my view, as the written statement is ready, interest of justice will be met if applicant is put to terms. Applicant to give a donation of Rs.30,000/- to Kerala Chief Minister's Distress Relief Fund and this amount to be paid within two weeks from today. Account details are as under :

Name of Donee : Chief Minister's Distress Relief Fund
Account Number : 67319948232
Bank : State Bank of India
Branch : City Branch, Thiruvananthapuram
IFSC : SBIN0070028
PAN : AAAGD0584M
Account Type : Savings
Swift Code : SBININBBT08

5 Issues will have to be recast. Therefore, suit be listed for further issues on 15th October 2018. In the meanwhile, further affidavit of documents to be filed, inspection given and statement of admission and denial with reasons for denial to be exchanged. It is made clear that no further time will be granted.

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1 This notice of motion is taken out on behalf of defendant no.3(b) to direct the registry to take on file the written statement.

2 No affidavit in reply opposing the notice of motion has been filed. Therefore, none of the averments are controverted.

3 Notice of motion is allowed and accordingly disposed.

4 Mr. Mitra states that the written statement is ready and will be lodged in the registry and copy will be provided to plaintiff during the course of today.

(K.R. SHRIRAM, J.)

Gauri
Amit
Gaekwad

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signed by
Gauri Amit
Gaekwad
Date:
2018.09.29
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