

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

CHAMBER SUMMONS NO.1063 OF 2017

WITH

NOTICE OF MOTION NO.1852 OF 2017

IN

SUIT NO.406 OF 2017

Asha Dushyant Maniar and Ors.Plaintiffs

Vs.

Mukesh Sankalchand Shah and Anr.Defendants

Mr. Maheshkumar Gundeboina for plaintiffs.

Mr. Asif Memon I/b. K.S. Misra for defendant no.1.

CORAM : K.R.SHRIRAM, J.

DATE : 26th NOVEMBER 2018

P.C.:

CHAMBER SUMMONS NO.1063 OF 2017

1 This chamber summons is taken out by defendant no.1 for direction to plaintiffs to give inspection of documents referred to and relied upon by plaintiffs in the plaint so that defendant no.1 can file his written statement.

2 To a query posed by the Court, the counsel for applicant in fairness stated that there is no such provision in the Code of Civil Procedure which requires inspection to be given before filing of written statement.

3 In the circumstances, chamber summons dismissed with no order as to costs. At the same time, plaintiffs are directed to provide photocopy of all the documents relied upon by plaintiffs to defendants on or

before 30th November 2018.

4 Defendant no.1 to file written statement and serve a copy thereof by 15th December 2018.

5 The counsel for plaintiffs states that defendant no.2 resides in Canada but frequently visits Mumbai and resides at the address given in the cause title. The counsel for plaintiffs states that when defendant no.2 is not in Mumbai, the said premises is kept locked.

6 Mr. Memon, on instructions from defendant no.1 states that defendant no.1 has the address of defendant no.2 and he shall provide the same to the advocate for plaintiffs by 28th November 2018.

7 Writ of summons and the copy of the plaint has to be served upon defendant no.2 in the usual mode but in addition, plaintiffs to also serve a copy by courier to defendant no.2. A copy of this order be also sent to defendant no.2.

8 Stand over to 14th December 2018 for directions.

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1 Affidavit in reply to be filed and copy served by 5th December 2018. Rejoinder, if any to be filed and copy served by 12th December 2018.

2 Notice of motion to be listed for hearing on 18th December
2018.

(K.R. SHRIRAM, J.)