

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

CHAMBER SUMMONS NO.1150 OF 2017

IN

SUIT NO.422 OF 2017

Shree Krusangali Devi Akurli Mata and Ors.Plaintiffs

Vs.

Municipal Corporation of Greater Mumbai and Ors.Defendants

Mr. M.P. Rao, senior advocate a/w. Mr. Pankaj Kowli I/b. Mr. Abhay C. Mahimkar for plaintiffs.

Mr. Dhiren Shah a/w. Mr. Somil Gada I/b. Mr. Dhiren Shah for applicant in CHS/1150/2017.

Mr. R.Y. Sirsikar for defendant nos.1 to 4 (MCGM).

Mr. Vijay Nair a/w. Mr. Abhijeet B. Desai I/b. Mr. Prashant P. Kulkarni for defendant no.5.

Mr. H.B. Takke, AGP for defendant no.6.

CORAM : K.R.SHRIRAM, J.

DATE : 17th DECEMBER 2018

P.C.:

1 After the chamber summons was heard for some time and when it was brought to the notice of the counsel for applicant that the Court is inclined to dismiss the chamber summons, Mr. Shah sought leave to withdraw the chamber summons.

2 Chamber summons dismissed as withdrawn.

3 Notice of motion to be listed for hearing in due course.

4 Mr. Rao, on instructions from Mr. Mahimkar states that all defendants have been served. Mr. Vijay Nair, counsel for defendant no.5 states that written statement of defendant no.5 has been filed and copy

served on plaintiffs. Mr. Sirsikar, counsel for defendant nos.1 to 4 states that within three weeks from today, defendant nos.1 to 4 will file written statement and serve a copy thereof. So also Mr. Takke, counsel for defendant no.6.

5 There is no relief sought against defendant nos.7 to 18. Therefore, the suit as against defendant nos.7 to 18 need not be transferred to the list of undefended suits.

6 Written statements to be filed by defendant nos.1 to 4 and 6 and copy served by 11th January 2019.

7 Parties to file their respective affidavit of documents and serve a copy thereof upon the other side on or before 21st January 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 2nd 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 13th 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.)