

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

**COMMERCIAL CHAMBER SUMMONS NO.309 OF 2017  
WITH  
COMMERCIAL CHAMBER SUMMONS NO.424 OF 2018  
IN  
COMMERCIAL SUIT NO.673 OF 2017**

Prashant Sawant and Ors. ....Applicants/Plaintiffs

Vs.

Sai Construction and Ors. ....Defendants

----

Ms. Rashmi Salian a/w. Mr. Sushant Arora I/b. Vigil Juris for applicants/  
plaintiffs.

Mr. Bipin Joshi for defendant nos.3,5 and 6.

Ms. Apeksha Dangehe I/b. Ms. Shakuntala Wadekar for defendant no.4.

Mr. Devansh Bheda I/b. Purnanand and Company for proposed defendant  
no.8.

Mr. G.S. Godbole I/b. Ms. Pushplata Diwan for respondent no.2 in  
CHSCD/309/2017.

Ms. Vrushali Maindad I/b. Mr. Abhijeet Desai for respondent no.7 (SRA) in  
CHSCD/309/2017.

----

**CORAM : K.R.SHRIRAM, J.**

**DATE : 26<sup>th</sup> NOVEMBER 2018**

**P.C.:**

**COMMERCIAL CHAMBER SUMMONS NO.309 OF 2017**

1            Heard the counsel and also considered the affidavit in support.  
Mr. Bheda, counsel appearing for proposed defendant does not dispute the  
fact that the proposed defendant has taken over the entire project and there  
is also a LOI issued in his favour by defendant no.7.

2            In view thereof, proposed defendant has to be added as  
defendant because any order passed in favour of plaintiffs will have a direct  
bearing on the interest of proposed defendant.

3 In the circumstances, keeping open the rights and contentions of all the parties to be taken in the written statement, chamber summons is allowed and accordingly disposed in terms of prayer clause – (a) except the portion which is bracketed in red ink. Prayer clause – (a) as granted reads as under :

*(a) That this Hon'ble Court be pleased to allow the amendments in terms of the Schedule of amendments annexed hereto.*

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

5 Written statement to be filed and copy served within six weeks from today/within three weeks of receiving copy of the amended plaint, whichever is later.

**COMMERCIAL CHAMBER SUMMONS NO.424 OF 2018**

1 Defendants state that this chamber summons has not been served.

2 Chamber summons to be served by 28<sup>th</sup> November 2018 including newly added defendant. Affidavits in reply to be filed and copy served by 7<sup>th</sup> December 2018. Rejoinder, if any to be filed and copy served by 12 noon on 14<sup>th</sup> December 2018.

3 Stand over to 17<sup>th</sup> December 2018.

**COMMERCIAL SUIT NO.673 OF 2017**

1            In the order dated 25<sup>th</sup> September 2017, the appearance of “*Mr. D.V. Morey for defendant no.1*” to be corrected to read as “*Mr. D.V. Morey for defendant no.2*”.

2            Rest of the order remains unaltered. Original order to be corrected accordingly.

3            Pleadings in the suit are completed. Therefore, the following further directions are passed :

(a) parties to file their respective affidavit of documents and serve a copy thereof upon the other side on or before 21<sup>st</sup> 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.;

(b) inspection to be given and statement of admission and denial with reasons for denial to be exchanged by 28<sup>th</sup> January 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.

4            Suit be listed for issues on 6<sup>th</sup> 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.

**(K.R. SHRIRAM, J.)**