

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

**SUIT NO.78 OF 2017
WITH
NOTICE OF MOTION NO.417 OF 2017
IN
SUIT NO.78 OF 2017**

Mala Rajan Bhatia and Anr.Plaintiffs

Vs.

M/s. Ravi Foundation Builders and DevelopersDefendants

Mr. Shashipal Shankar for plaintiffs.

Mr. Ryan Menezes I/b. Jhangiani Narula and Associates for defendants.

CORAM : K.R.SHRIRAM, J.

DATE : 7th DECEMBER 2018

P.C.:

NOTICE OF MOTION NO.417 OF 2017

1 On 31st January 2017 an ad-interim order came to be passed which reads as under :

1.Mr Narula, on instructions from the authorised representative of the Defendants, makes a statement that pending further orders the Defendants will not create any third party rights or part with possession, alienate or encumber in any manner Flats Nos. 501 and 601 in Gaurav Palace, CTS 100, Corner of SV Road and Shantilal Modi Road, Kandivali (West), Mumbai 400 067. This statement is accepted as an undertaking to the Court.

2.Affidavit in Reply to be filed and served on or before 24th February 2017. Affidavit in Rejoinder, if any, to be filed and served on or before 17th March 2017.

3.Notice of Motion to come up in the usual course.

Even today no reply has been filed.

2 Therefore, the order dated 31st January 2017 is confirmed as order in the notice of motion and notice of motion accordingly disposed.

SUIT NO.78 OF 2017

1 The following directions are passed :

(a) defendants shall file written statement and serve a copy thereof upon plaintiffs by 5th January 2019, failing which the suit may be decreed ex-parte against that defendant;

(b) parties to file their respective affidavit of documents and serve a copy thereof upon the other side on or before 12th 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;

(c) inspection to be given and statement of admission and denial with reasons for denial to be exchanged by 19th 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.

2 Suit be listed for issues on 23rd January 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.)