

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

**COMMERCIAL NOTICE OF MOTION (L) NO.2793 OF 2018  
IN  
COMMERCIAL SUIT (L) NO.1587 OF 2018**

Suchita Ramchand Sani and Anr. ....Plaintiffs

Vs.

Jyoti Enterprises and Ors. ....Defendants

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Mr. Satish J. Agarwal for plaintiffs/applicant.

Mr. J.S. Kini I/b. Ms. Sapana Krishanappa for defendants.

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

**DATE : 10<sup>th</sup> DECEMBER 2018**

**P.C.:**

1           Status quo with respect to the suit property being Shop No.4 on the ground floor in the building known as Akurli Golden Palace CHS Limited, Plot No.2, Lokhandwala Township, Akurli Road, Kandivali (East), Mumbai 400 101 to be maintained.

2           The statement of plaintiffs to deposit the balance amount of Rs.92,50,000/- (Rs.1,26,00,000 – Rs.33,50,000/-) within four weeks from today with the Prothonotary and Senior Master, High Court, Bombay is accepted.

3           Notice of motion accordingly stands disposed.

4           By consent, Mr. Shardul Singh, an Advocate practicing in this Court is appointed as Mediator to mediate on the dispute between the parties, which is the subject matter of this suit and submit a report on or

before 31<sup>st</sup> January 2019.

5           The fees and administrative expenses of Mediator to be shared equally between the parties.

6           Mr. Kini, counsel for defendants waives service of writ of summons.

7           Therefore, the following directions are passed :

(a) defendants shall file written statement and serve a copy thereof upon plaintiffs by 15<sup>th</sup> 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 22<sup>nd</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;

(c) inspection to be given and statement of admission and denial with reasons for denial to be exchanged by 29<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.

8           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. 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.)**