

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
ORDINARY AND ORIGINAL CIVIL JURISDICTION
COMMERCIAL NOTICE OF MOTION NO.1557 OF 2018
IN
COMMERCIAL SUIT NO.617 OF 2017**

Yashmita Ashutosh Desai

..Plaintiff

Vs.

Ayyappa Construction Co. & Ors

..Defendants/Applicants

Ms Madhavi Tavanandani for Plaintiff

Mr. Vinod S Pandey I/b S. U. Pandey for Defendant no.1/Applicant in
NMCD/1557/2018

Mr. Sahil Ansari I/b Mr. Bhavin Bhatia for Defendant Nos.2 and 3
(Mr. Sunil Shah, Proprietor of Defendant No.1 present in court)

CORAM : K.R.SHRIRAM, J.

DATE : 7th MARCH, 2019

P.C.:

1 This notice of motion is taken out for condoning the delay in
filing the written statement and to take the written statement on record.

2 Mr. Pandey for defendant no.1 states that pursuant to the order
dated 18th December 2018, the written statement has already been filed in
the registry. Ms Tavanandani also confirms having received the copy of the
written statement.

3 Therefore, this notice of motion does not survive and stands
disposed.

4 Ms Tavanandani states that pleadings are complete and the suit could be listed for issues. Ms Tavanandani states that inspection of plaintiff's documents has been given to defendants, and she does not wish to take inspection of any documents of defendants.

5 By 15th March 2019 statement of admission and denial with reasons for denial to be exchanged. 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.

6 Suit be listed for issues on 15th March 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.)