

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
ORDINARY ORIGINAL CIVIL JURISDICTION.
CHAMBER SUMMONS NO. 371 OF 2018
IN
SUIT NO. 40 OF 2012**

Philomena Athaide & Ors. ..Applicants

In the matter between
Mayfair Housing Pvt. Ltd. ..Plaintiff/s

v/s.
Meera M. Bhagat & Ors. ..Defendant/s

Mr. A.P. Sinigh a/w. Ms. Sadhana Datar I/b. S.K.Srivastava & Co. for the Plaintiff/s

Mr. fRohan Kadam a/w. Mr. Sahil Joshi I/b. Bipin Joshi for the Applicant.

Mr. Kalpesh Nansi for the Defendant No.4.

**CORAM : SMT. ANUJA PRABHUDESSAI, J.
DATED : 08th APRIL, 2019.**

P.C.

1. The present Chamber Summons has been filed by the heirs of Defendant No.2. The only relief which is pressed today is the relief sought at prayer clause b(i), under which the Applicants have sought to direct the Registry, Original Side, to issue certified copy of decree in Suit No. 40 of 2012 to the Applicant.

2. The records reveal that the Defendant Nos.1 to 3 in the suit had challenged the Order dated 18th June, 2012 passed by the learned Single Judge of this Court in Notice of Motion No.74 of 2012. In the

course of hearing of the Appeal (L) No. 464 of 2012, the learned Counsel for the respective parties had made certain statements, which are recorded by the Division Bench of this Court in Order dated 18.07.2002 and based on the said statements decreed the Suit No. 40 of 2012 in terms of prayer clauses (a),(b) and (c).

3. The learned Counsel for the Applicant states that no decree has been drawn and hence the Applicants have not been able to obtain certified copy of the said decree. In terms of Rule 300 of Bombay High Court (Original Side) Rules, the party initiating the proceedings is required to lodge a draft of the decree or Order for settlement in the Office of the Prothonotary & Senior Master within four weeks from the date of the original judgment and order. The learned Counsel for the Plaintiff undertakes to lodge a draft of the decree within a period of two weeks from the date of this Order. After such draft is lodged, and the decree is drawn up, the applicant to apply to the Prothonotary & Senior Master for certified copy of the order in terms of Rule 268.

4. Chamber Summons stands disposed of in above terms.

(ANUJA PRABHUDESSAI, J.)