

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
ORDINARY AND ORIGINAL CIVIL JURISDICTION
COMMERCIAL NOTICE OF MOTION NO.496 OF 2017
IN
COMMERCIAL SUIT NO.604 OF 2017**

PCC Infrastructure Pvt Ltd	..Plaintiff/Applicant
Vs.	
Syrian Chunawala	..Defendant

**WITH
COMMERCIAL NOTICE OF MOTION NO.497 OF 2017
IN
COMMERCIAL SUIT NO.606 OF 2017**

Ram & Co.	..Plaintiff/Applicant
Vs.	
Syrian Chunawala	..Defendant

Mr. Gaurav Jangle a/w Mr. Digant Bhatt I/b I. V. Merchant and Co. for Plaintiff/Applicant in both suits
Mr. Jitendra J Shah for Defendant (in both suits)

**CORAM : K.R.SHRIRAM, J.
DATE : 29th JANUARY, 2019**

P.C.:

1 Mr. Shah appearing for defendant in both the suits states that defendant shall not evict plaintiff without following due course of law and in view of this statement both the notices of motion could be disposed.

2 Mr. Jangle appearing for plaintiff states that he is happy with this statement.

3 Notices of motion therefore, disposed.

4 Mr. Shah states that in both the suits, written statements have been affirmed on 4th October, 2017 which is well within the time prescribed. Therefore, registry to take on record the written statements which Mr. Shah states will be lodged by tomorrow.

5 By 12th February 2019 parties shall file their respective affidavit of documents and serve a copy thereof upon the other side, failing which parties will not be permitted to rely on any document, copy whereof is not annexed to the plaint and/or written statement and mentioned in the list of documents annexed to the plaint and/or written statement. This will not, however, prevent a party from confronting a witness of another party with any document.

6 By 16th February 2019 inspection to be completed. If inspection is not given, such party will not be permitted to rely on such document. By 22nd February 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.

7 Suit be listed for issues on 27th 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.

8 Order dated 12th October, 2017 passed by the Prothonotary and Senior Master, is therefore set aside.

(K.R. SHRIRAM, J.)