

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
ORDINARY ORIGINAL CIVIL JURISDICTION
IN ITS COMMERCIAL DIVISION
INTERIM APPLICATION NO.3084 OF 2021
IN
COMMERCIAL SUT NO.452 OF 2017**

Baba Landscapes LLP ... Applicant (Org. Def. No.1)

In the matter between :

Shravankumar Navranglal Agarwal ... Plaintiff

V/s.

Baba Landscapes LLP & Ors. ... Defendants

Mr. Vachan Bodke i/by M/s. V & M Legal for the Applicant/Defendants.

Mr. Ashish Kamat, Ms. Megha Chandra, Ms. Madhu Gadodia, Mr. Shashank Trivedi i/by Naik Naik & Company for the Plaintiff.

CORAM : ARIF S. DOCTOR, J.

DATE : 25TH JANUARY 2023

P.C. :

1. The present Interim Application is filed seeking to set aside the order dated 21st August 2017 passed by the Prothonotary and Senior Master, High Court, Bombay, transferring the Commercial Summary Suit No.452 of 2017 to the list of undefended suits.

2. Mr. Kamat, learned Counsel appearing on behalf of the Plaintiff very fairly submitted that the order dated 21st August 2017, by which the Suit

was transferred to the list of undefended suits could be set aside and the Defendants could be permitted to file their Written Statement within a period of thirty days from today.

3. Learned Counsel appearing on behalf of the Defendants consents to dispensation of the Writ of Summons, since all the Defendants are present in the Court today. Hence, the service of Writ of Summons is dispensed with.

4. It is made clear that this order is being passed without prejudice to the rights and contentions of both the sides.

5. Interim Application is disposed of accordingly.

(ARIF S. DOCTOR, J.)