

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
ORDINARY ORIGINAL CIVIL JURISDICTION
SUIT NO. 228 OF 2023
WITH
INTERIM APPLICATION NO. 2369 OF 2023
WITH
INTERIM APPLICATION NO. 751 OF 2023
IN
SUIT NO. 228 OF 2023

Kiran Ratnakar Kamath ... Plaintiff/Applicant
vs.
Vijaya Ratnakar Kamath and others ... Defendants/Respondents

Mr. Sameer Tendulkar for plaintiff.

Dr. Suneet Gupta for defendants.

CORAM : MANISH PITALE, J.
DATE : 06th FEBRUARY, 2024

P.C. :

. This suit, in terms of its valuation, has now been transferred to the City Civil and Sessions Court. It is included in the list of matters transferred, on the ground of pecuniary jurisdiction.

2. The learned counsel appearing for the defendants submits that in the peculiar facts, he is constrained to seek an observation from this Court. It is pointed out that in order dated 26.07.2023, this Court recorded that the defendants have been served with the suit summons. It is the case of the defendants that they have not been served with the writ of summons, even till date. This has a bearing on the time period available to the defendants, to file their written statement.

3. In view of the above, the defendants are granted liberty to demonstrate before the competent Court, before whom the present proceeding will be listed, that the writ of summons has still not been served.
4. With this observation, no further orders are necessary.

(MANISH PITALE, J.)

Priya Kambli