

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
ORDINARY ORIGINAL CIVIL JURISDICTION

SUIT NO.2509 OF 2011

PURUSHOTTAM V. RAHEJA AND OTHERS)...PLAINTIFFS

V/s.

ASHA S. RAHEJA AND OTHERS)...DEFENDANTS

WITH
NOTICE OF MOTION NO.838 OF 2018
IN
SUIT NO.2509 OF 2011
WITH
NOTICE OF MOTION NO.1091 OF 2015
IN
SUIT NO.2509 OF 2011
WITH
LEAVE PETITION NO.662 OF 2011
IN
SUIT NO.2509 OF 2011
WITH
INTERIM APPLICATION NO.574 OF 2025
IN
SUIT NO.2509 OF 2011
WITH
NOTICE OF MOTION NO.838 OF 2018
IN
SUIT NO.2509 OF 2011
WITH
SUIT NO.577 OF 2018
WITH
NOTICE OF MOTION NO.1108 OF 2018
IN
SUIT NO.577 OF 2018
WITH
INTERIM APPLICATION (L) NO.23486 OF 2023
IN
SUIT NO.577 OF 2018
WITH

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SUIT NO.529 OF 2018
WITH
NOTICE OF MOTION NO.1091 OF 2018
IN
SUIT NO.529 OF 2018
WITH
INTERIM APPLICATION NO.1397 OF 2020
IN
SUIT NO.1266 OF 2009
WITH
NOTICE OF MOTION NO.1098 OF 2018
IN
SUIT NO.634 OF 2018
WITH
NOTICE OF MOTION NO.1108 OF 2018
IN
SUIT NO.577 OF 2018
WITH
NOTICE OF MOTION NO.1104 OF 2018
IN
SUIT NO.632 OF 2018
WITH
NOTICE OF MOTION NO.1092 OF 2018
IN
SUIT NO.527 OF 2018
WITH
NOTICE OF MOTION NO.1103 OF 2018
IN
SUIT NO.631 OF 2018
WITH
NOTICE OF MOTION NO.1106 OF 2018
IN
SUIT NO.633 OF 2018
WITH
NOTICE OF MOTION NO.1097 OF 2018
IN
SUIT NO.525 OF 2018
WITH
NOTICE OF MOTION NO.1096 OF 2018
IN
SUIT NO.623 OF 2018

WITH
NOTICE OF MOTION NO.1107 OF 2018
IN
SUIT NO.439 OF 2018
WITH
NOTICE OF MOTION NO.1091 OF 2018
IN
SUIT NO.529 OF 2018
WITH
INTERIM APPLICATION (L) NO.10965 OF 2023
IN
SUIT NO.1266 OF 2009
WITH
NOTICE OF MOTION NO.920 OF 2013
IN
SUIT NO.1266 OF 2009
WITH
SUIT NO.1266 OF 2009
WITH
INTERIM APPLICATION (L) NO.10965 OF 2023
IN
SUIT NO.1266 OF 2009
WITH
NOTICE OF MOTION NO.920 OF 2013
IN
SUIT NO.1266 OF 2009
WITH
INTERIM APPLICATION NO.611 OF 2024
IN
SUIT NO.1266 OF 2009
WITH
INTERIM APPLICATION (L) NO.24045 OF 2023
IN
SUIT NO.1266 OF 2009
WITH
INTERIM APPLICATION NO.1397 OF 2020
IN
SUIT NO.1266 OF 2009
WITH

**INTERIM APPLICATION (L) NO.11156 OF 2023
IN
SUIT NO.1266 OF 2009
WITH
INTERIM APPLICATION NO.1780 OF 2022
IN
SUIT NO.1266 OF 2009
WITH
INTERIM APPLICATION NO.611 OF 2024
IN
SUIT NO.1266 OF 2009
WITH
NOTICE OF MOTION NO.1091 OF 2015
IN
SUIT NO.2509 OF 2011
WITH
INTERIM APPLICATION (L) NO.24045 OF 2023
IN
SUIT NO.1266 OF 2009**

Mr.Atul Daga i/by Mr.Chaitanyaa Bhandarkar, Advocate for the Plaintiffs.

Mr.Shanay Shah a/w. Ms.Soniya Putta, Mr.Karan Mehta and Ms.Souparnika S. i/by M/s.Solomon & Co., Advocate for the Defendants no.1 to 3.

Ms.Shruti Shirke i/by Dhruve Liladhar & Co., Advocate for the Defendants no.7 to 25.

Mrs.Nandini Deshpande, 1st Assistant to Court Receiver, present in Court.

CORAM : ABHAY AHUJA, J.

DATE : 9th JULY 2025

PC. :

1. This matter has been fixed at 4.30 p.m. for marking of the Plaintiffs' documents.
2. On 10th June 2025, this Court had granted time for filing of Statement of admission and denial after receipt of the Affidavit of evidence and Compilation of documents.
3. When the matter is called out, Mr. Shanay Shah, learned Counsel, appears for the Defendants no.1 to 3 and submits that Statement of admission and denial has been filed and also served. Mr. Atul Daga, learned Counsel, appears for the Plaintiffs and submits that the Plaintiffs' witness, who is 83 years old, is present in Court for marking of the Affidavit of evidence and the documents forming part of the compilation. Mr. Daga submits that the Defendants no.1 to 3 have admitted about 79 documents out of the 141 documents.
4. Just when this Court has directed the Plaintiffs' witness to step into the witness box, one Ms. Shruti Shirke appears for the Defendants no.7 to 25 and seeks time to file Statement of admission and denial of the documents.

5. Mr.Daga for the Plaintiffs vehemently opposes this request submitting that the Defendants no.1 to 3 are the main contesting Defendants and that they have filed the Statement of admission and denial. That, Defendant no.28 is supporting the Plaintiffs and also present in Court. However, as regards Defendants no.4, 5, 6, 26 and 27, Mr.Daga submits that the said Defendants have not filed any written statement nor have been represented before this Court, but fairly submits that they have not been served with the Affidavit of evidence and Compilation of documents, and if some time is granted, they would also be served.

6. This Court would have otherwise imposed costs on the Defendants no.7 to 25 for seeking time, in as much as, this Court had set aside the special time to mark the documents in this matter, obviously, at the cost of other matters on the board, and despite that, time is being sought, however, since the learned Counsel for the Plaintiffs has submitted that the Defendants no.4, 5, 6, 26 and 27 have not been served with the Affidavit of evidence and Compilation of documents, this Court refrains from imposing any costs on the Defendants no.7 to 25 but not without notice to the learned Counsel

appearing for the Plaintiffs as well as for the Defendants no.7 to 25 that any further request for time would be met with exemplary costs.

7. Let the Affidavit of evidence and Compilation of documents be served on the unserved Defendants within a period of two weeks and an appropriate affidavit of service be filed.

8. Let Statements of admission and denial by the Defendants who have not yet filed the said Statements, be filed within a period of six weeks.

9. List on **3rd September 2025** for marking of Plaintiffs' documents.

10. Let the Plaintiffs' witness remain present in Court on the next date as well.

(ABHAY AHUJA, J.)