

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

**NOTICE OF MOTION NO. 4351 OF 2009
WITH
NOTICE OF MOTION NO. 155 OF 2010
WITH
NOTICE OF MOTION NO. 579 OF 2012
IN
SUIT NO. 2174 OF 2009**

Dr.Bhatia K. Jamnadas & Ors. .. Plaintiffs
Vs.
Poonamchand N. Shah & Ors. .. Defendants

Mr.Mahesh Vasvani for plaintiffs.

Mr.Vijay M. Vaghela for defendant no.1.

**CORAM : K.R.SHRIRAM, J.
DATED : 15TH SEPTEMBER, 2015**

P.C.

1 The counsel for defendant no.1 states that defendant no.1 expired on 23.12.2012 and that was brought to the notice of the advocate for the plaintiffs soon thereafter. The plaintiffs have not taken any steps despite receiving the intimation and therefore the suit as against defendant no.1 stands abated. The counsel further states that the relief sought in the notice of motion no.4351 of 1999 also is only against defendant no.1, and therefore, the motion will also not survive.

The notice of motion no.4351 of 1999, therefore, is dismissed.

2 In notice of motion no.155 of 2010, the counsel for the plaintiff requests the matter be stood over to 1.10.2015 to enable him to take instructions in the matter.

3 As regards, notice of motion no.579 of 2012, the counsel for defendant nos.1-applicant seeks leave to withdraw the notice of motion.

4 The notice of motion allowed to be withdrawn.

5 Suit and notice of motion no. 155 of 2010 to be listed on 1.10.2015.

(K.R. SHRIRAM, J.)

CERTIFICATE

Certified to be true and correct copy of the original signed
Judgement/Order.