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IN THE HIGH COURT OF JUDICATURE AT BOMBAY

ORDINARY ORIGINAL CIVIL JURISDICTION

NOTICE OF MOTION NO.2464 OF 2008

IN

SUIT NO.395 OF 2007

Mr. Anandji Virji Shah And 5 Ors.

...Plaintiffs

VS

Ritesh Sidhwani And 5 Ors.

...Defendants.

.....

Mr. Ashish Kamat, i/b. Khimani & Associates, for the Plaintiffs.

Mr. Ashok Singh, for Defendant No.3.

Mr. Dhawal Mohan, i/b. M/s. Thakore Jariwala & Associates, for Defendant No.5.

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CORAM : S.C. GUPTE, J.

DATED : FEBRUARY 18, 2015

P.C. :

. On 6 January 2015, when this matter was called out, learned Counsel for the Plaintiffs submitted that, in the light of certain subsequent development, the Plaintiffs would have to consider their position and, accordingly, sought time. The matter was stood over to 19 January 2015. On 19 January 2015, once again, at the request of the learned Advocate for the Plaintiffs, the matter was stood over to the next date.

2. Today, when the matter is called out, none appears for the Plaintiffs. Considering the fact that the suit is of the year 2007 and that so

far the Plaintiffs have not obtained any ad-interim orders in the Notice of Motion, and further considering the fact that the trial of the suit is now well under way, with the Commissioner about to complete the recording of evidence and submit his report to this Court, this Court is of the view that the Plaintiffs are not entitled to any interim reliefs in the present suit and that the Plaintiffs would have to await the trial of the suit.

3. In that view of the matter, the Notice of Motion is dismissed. There shall be no order as to costs.

4. Learned Counsel for Defendant Nos.3 and 5 inform the Court that the Plaintiffs' evidence has been concluded; the documents of Defendant No.3 have been marked. Defendant No.3 has filed its affidavit of evidence in lieu of examination-in-chief; the documents of Defendant No.3 have been marked; that the witness of Defendant No.3 is now to be cross-examined. The Commissioner is, accordingly, directed to complete the recording of evidence of the witness of Defendant No.3 and submit his report within a period of four weeks from today. Place the suit for directions on 20 March 2015, when further directions regarding proceedings in the trial would be given.

(S.C. GUPTE, J.)