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

**NOTICE OF MOTION NO. 1794 OF 2012  
IN  
SUIT NO. 1648 OF 2012**

Ambaji Developers & Ors. ...Applicants/Plaintiffs  
VS  
Mukundrai D. Sanghavi & Anr. ...Defendants

.....  
Mr P.J.Thorat i/b L.D.Shah & Co. for the Plaintiffs.  
Mr D.H.Mehta a/w Bansari Kalyani i/b Pravim Mehta & Mithi & Co. for Defendant  
No.1.  
Mr Vasim Shaikh for Defendant No.2.

**CORAM : S.C. GUPTE, J.  
JANUARY 22, 2015**

**P.C. :**

Learned Counsel for the Plaintiffs seeks leave to withdraw this Notice of Motion with liberty to take out a fresh Notice of Motion, later. The application is on the footing that during the pendency of the present Notice of Motion, during which there was no ad-interim relief in favour of the Plaintiffs, Defendant No.1 has entered into a development agreement dated 30 December 2014 with a new developer. Learned Counsel submits that the Plaintiffs will have to implead this new developer by taking out an appropriate proceeding and thereafter, the Plaintiffs may be permitted to renew their application for interim relief. Learned Counsel for Defendant No.1 opposes this application. Learned Counsel submits that no liberty can be granted in the matter and no fresh application can be made. The Plaintiffs are permitted to withdraw the present Notice of Motion. The question as to whether and to what extent, a fresh application for interim relief should be entertained in the facts of the case after the amendment as proposed, will be considered as and when such application is made. At the moment, all rights and contentions of the parties in that behalf are kept open. Notice of Motion is dismissed as withdrawn. There shall be no order as to costs.

**( S.C.GUPTE J. )**