

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

**NOTICE OF MOTION NO.923 OF 2009
IN
SUIT NO.577 OF 2009**

Jayanand Khira & Co. Pvt. Ltd. & Anr.Applicants/Plaintiffs

V/s.

Chitaranjan Damodardas Shah & Ors.Defendants

Ms. Huda Diamondwala i/b. Diamondwala & Co. for the applicants/plaintiffs.

Mr. Bipin Joshi for the defendant nos.1,2 and 3.

Ms. Rajlaxmi Punjabi i/b. P.M. Bhansali for the defendant no.18.

CORAM : K.R.SHRIRAM,J

DATE : 9th JUNE, 2016

P.C.:-

1 This notice of motion is taken out for restraining the defendant nos.1 to 3 from acting on the Power of Attorney dated 3rd January, 1983.

2 By an order dated 10th/18th June, 2009 this court was pleased to reject any ad-interim relief. The plaintiffs thereafter carried the matter in appeal. By an order dated 14th June, 2010, by consent of the parties, the appeal came to be disposed in view of the statement made by the counsel for the defendant nos.1,2 and 3, who are Power of Attorney holders that on the basis of Power of Attorney they will not create any further document without seeking leave of the court.

The statement was accepted. Hearing of the said notice of motion was also expedited.

3 Mr. Joshi, counsel appearing for the defendant nos.1,2 and 3 states that the statement made as recorded in the order of the Division Bench on 14th June, 2010 be continued until the disposal of the suit.

4 In view of the statement made by the counsel for the defendant nos.1,2 and 3 nothing survives in the notice of motion. The notice of motion accordingly stands disposed and the statement as made by Mr. Joshi on behalf of defendant nos.1,2 and 3 is accepted.

5 The counsel appearing for the plaintiffs states that when they attempted to serve the amended plaint, the packets sent to some of the defendants have been returned unserved. The counsel for the plaintiffs states that they will ensure that all those defendants are served a copy of the amended plaint within two weeks from today. Within two weeks of receiving the copy of the amended plaint, the parties to file their written statement.

6 Stand over to 11th July, 2016 for directions.

(K.R.SHRIRAM,J)