

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

APPEAL (L) NO.255 OF 2015
IN
NOTICE OF MOTION (L) NO.460 OF 2016
IN
SUIT (L) NO.160 OF 2015

Nimish Keshavlal Patel and Others. .. Appellants
Vs
National Spot Exchange Limited and Others. .. Respondents

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Shri Kevic Setalvad, Senior Counsel i/b Shri Somet Shirsat for the Appellants.

Shri Virag Tulzapurkar, Senior Counsel along with Ms. Anuja Jhunjhunwala and Shri A. Thayal i/b Naik Naik & Co for the Respondent Nos.1.

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CORAM : A.S. OKA & G.S.KULKARNI, JJ
DATED : 8TH MARCH 2016

PC.

1. Heard the learned senior counsel appearing for the Appellants. The Appellants are some of the Defendants. The order impugned dated 2nd March 2015 is an ad-interim order. The learned senior counsel appearing for the Appellants submitted that the prayer clause (d) of the Notice of Motion before the learned Single Judge will not apply to the case of the Appellants as according to the Appellants, they have not traded on the original Plaintiff's exchange till the date of the filing of the suit. If that be so, the Appellants can always move the

learned Single Judge for vacating and/or modification of the ad-interim order.

2. Therefore, it is not necessary to entertain this Appeal. By granting liberty as aforesaid, we dispose of the Appeal.

3. The learned counsel appearing for the Original Plaintiff states that the Plaintiff will not proceed against the Appellants in any manner for a period of eight weeks from today on account of non-compliance of the ad-interim directions issued in terms of prayer clause (d) of the Notice of Motion (L) No.460 of 2015. We accept the said statement.

4. Notice of Motion does not survive and the same is disposed of.

(G.S. KULKARNI, J)

(A.S. OKA, J)