

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

**NOTICE OF MOTION NO.1718 OF 2008
IN
SUIT NO.3540 OF 2005**

Sheth Builders Private LimitedPlaintiffs

V/s.

Michael Gabriel & Ors.Defendants

Ms.A.V.Khanolkar for plaintiffs.

Mr.Pankaj S.Shah for defendant nos.6 & 7.

CORAM : K.R.SHRIRAM,J

DATE : 18.8.2016

P.C.:-

1 The counsel for the plaintiffs states that ad-interim relief was granted by an order dated 26.9.2009 whereby defendant nos.2 to 7 were restrained from creating 3rd party rights. The counsel for the plaintiffs also states that in another Notice of Motion bearing No.2 of 2006, both, the plaintiffs and the defendants have been directed to maintain status-quo. The counsel for the plaintiffs also states that in Appeal No.827 of 2006 in Notice of Motion No.2 of 2006, the Division Bench has directed both, the plaintiffs and the defendants to maintain status-quo. In view of these orders, the counsel for the plaintiffs requests that the ad-interim order granted in this present Notice of Motion be confirmed as order in the Notice of Motion. Mr.Shah appearing for defendants 6 & 7 has no objection.

2 Therefore, the ad-interim order passed by this court on 27.8.2008 is confirmed as order in the Notice of Motion. Notice of Motion accordingly stands disposed.

3 The counsel for the plaintiffs states that the plaintiffs' chamber summons bearing no.87 of 2014 for leave to amend the plaint is still pending and that requires to be heard before the matter proceeds further. Chamber summons be listed for hearing on 14.9.2016. The counsel for the defendants 6 & 7 states that they have not been served with a copy of the chamber summons. Undertaking of the counsel to serve the chamber summons on all the defendants during the course of this week is accepted. Since the chamber summons is of the year 2014, if all the defendants are not served by 20.8.2016, chamber summons will stand dismissed without further reference to the court. If the chamber summons is served by 20.8.2016, affidavit in reply to be filed and copy served by 3.9.2016 and the chamber summons to be listed on 14.9.2016.

4 The Associate states that some of the pleadings are not traceable. Parties are therefore, directed to reconstruct the same within two weeks from today.

(K.R.SHRIRAM,J)