

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

**NOTICE OF MOTION NO.1321 OF 2016
IN
SUIT NO.2763 OF 2008**

Manek Dara SukhadwallaApplicant/Org.def.no.1

IN THE MATTER BETWEEN :

Sun Vision Arcade & Anr.Plaintiffs
V/s.

Manek Sukhadwalla & Anr.Defendants

Ms. Jenifer Micheal a/w. Mr. Jayesh Rathod i/b. Dhiren H. Shah for the plaintiff.

Mr. K. Thaker a/w. Mr. M.K. Tanna for the applicant/defendant no.1.

Mr. Aditya Shiralkar i/b. M/s. Shiralkar & Co. for the defendant no.2.

CORAM : K.R.SHRIRAM,J

DATE : 15th JULY, 2016

P.C.:-

1 This notice of motion is taken out to recall the order dated 15th February, 2013 impleading defendant no.1 in his capacity as the Executor of the estate of the deceased. It is stated in the affidavit in support in paragraph 10 that in view of the fact that the administrator has been appointed by this court to safeguard the estate of Late Mr. Purvez B. Dalal and he has already been impleaded as defendant no.2 in this suit and as such the estate is capable of being safeguarded against any ex-parte decree, the applicant prays that his name be deleted from the array of defendants.

2 The counsel for the plaintiffs has no objection. Mr. Shiralkar, counsel appearing for the defendant no.2 states that his instructions are to submit to the orders of the court. It is pertinent to note that they have not raised any objection in granting of the reliefs as sought by the applicant.

3 In the circumstances, the name of defendant no.1 be struck off from the cause title and defendant no.2 be shown as sole defendant. The amendment to be carried out within two weeks from today

4 The notice of motion accordingly stand disposed.

(K.R.SHRIRAM,J)