

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

**NOTICE OF MOTION NO.1805 OF 2011
WITH
NOTICE OF MOTION NO.960 OF 2014
IN
SUIT NO.1313 OF 2011**

Allan M. Misquitta & Ors.Applicants/Plaintiffs

V/s.

Gufic Laboratories & Ors.Defendants

**WITH
NOTICE OF MOTION NO.3007 OF 2011
IN
SUIT NO.1313 OF 2011**

Lodha Impression Real Estate
Pvt. Ltd. & Anr.

....Applicant/Org. Def. Nos.4 and 5

IN THE MATTER BETWEEN :

Allan M. Misquitta & Ors.Plaintiffs

V/s.

Gufic Laboratories & Ors.Defendants

Mr. Sandeep S. Kumbhar for the plaintiffs.

Ms. Deepika Sekar i/b. Jhangiani Narula and Associates for the defendant nos.1 to 3.

Mr. Janak Dwarkadas, senior advocate a/w. Ms. Prachi Dhanani and Mr. Shyam Gopal i/b. Veritas Legall for the defendant nos.4 and 5.

CORAM : K.R.SHRIRAM,J

DATE : 29th SEPTEMBER, 2016

P.C.:-

NOTICE OF MOTION NO.1805 OF 2011

1 This notice of motion was taken out in 2011 when the suit

was filed. No ad-interim relief was granted. It is almost 5 years since then and no case is made out that the situation has changed in such a way that the relief has to be granted today. The defendants have also filed their written statement.

2 Therefore, it will be better if the parties go ahead with the hearing of the suit.

3 The notice of motion accordingly stands disposed.

4 There is a similar notice of motion bearing notice of motion no.960 of 2014 where also no ad-interim relief was granted. The reliefs sought in notice of motion no.960 of 2014 are similar to the reliefs sought in notice of motion no.1805 of 2011, the only difference being in notice of motion no.1805 of 2011 the reliefs were sought as against all the defendants whereas in notice of motion no.960 of 2014 it is only against defendant nos.4 and 5.

5 In view of the order passed in notice of motion no.1805 of 2011, the notice of motion no.960 of 2014 also stands disposed.

6 In view of the above orders, Mr. Dwarkadas, senior counsel for the defendant nos.4 and 5 states that the reliefs sought in notice of

motion no.3007 of 2011 taken out on behalf of defendant nos.4 and 5 for rejection of the plaint under Order 7 Rule 11(d) could also disposed keeping open the rights and contentions of the defendant nos.4 and 5 and the court could also framed plea of limitation as a preliminary issue so that the suit will proceed further.

7 In view thereof, keeping open the rights and contentions of defendant nos.4 and 5 to raise the plea of limitation as preliminary issue, this notice of motion also stands disposed.

8 Since the pleadings are completed, the parties are directed to file their respective affidavit of documents, give inspection of their respective documents and file and exchange their statement of admission and denial with reasons for denial within four weeks from today.

9 The suit be listed for issues on 21st November, 2016.

(K.R.SHRIRAM,J)