

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

**NOTICE OF MOTION NO.2145 OF 2008
IN
SUIT NO.1448 OF 2008**

Neesha Sunit Khatau

....Plaintiff

V/s.

Dilip Dharamsey Khatau & Ors.

....Defendants

Mr. Pesi Mody, senior advocate a/w. Ms. Kalpana Desai i/b. Rajiv Jadhav for the plaintiff.

Mr. Aditya N. Raut i/b. Desai Desai & Carrimjee for the defendant no.1.

Dr. Birendra Saraf a/w. Mr. Ranjeev Carvalho i/b. N.N. Amin & Co. for the defendant no.3.

Ms. Kanchan Gupta i/b. Vigil Juris for the defendant nos.17,18 and 19.

CORAM : K.R.SHRIRAM,J

DATE : 11th AUGUST, 2016

P.C.:-

1 This suit was filed in 2008 and the notice of motion also has been taken out in 2008. By an order dated 28th July, 2008 the court expressly rejected any ad-interim relief by observing “at this stage, therefore, in my view, no case is made out for grant of ad-interim relief”.

2 No case is also made out for any change in circumstances between July, 2008 till date. When I say no case means no further affidavit has been filed to show any change in circumstances. I am also

told that all the defendants have filed their written statements. The pleadings in the suit are, therefore, completed. It will be in the fitness of things, if the suit itself proceeds to trial.

3 Therefore, the notice of motion is dismissed.

4 Parties to file their respective affidavit of documents within three weeks from today. Within two weeks thereafter, parties to complete discovery and inspection and also to file and exchange their statement of admission and denial with reasons for denial.

5 The suit be listed for issues on 26th September, 2016.

(K.R.SHRIRAM,J)