

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

**NOTICE OF MOTION NO.3816 OF 2003
IN
SUIT NO.670 OF 1987**

Union of India through Deputy)
Salt Commissioner)....Plaintiffs

V/s.

M/s.Textile Processors (P) Ltd. & Ors.)...Defendants

WITH

CHAMBER SUMMONS 163 OF 2016

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Mr.R.S.Rajguru for plaintiffs.

Mr.P.A.Jani i/by M/s.Jigil Juris for the defendant no.2.

Mr.S.A.Bhagwat for defendant nos.2(a) 8(a) & 10.

Ms.Rajani Iyer, Senior advocate a/w Mr.Paresh Shah and Ms.Rishika Jhaveri i/by Shah & Sanghavi for respondent no.2 in Chamber summons no.163 of 2016.

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CORAM : K.R.SHRIRAM,J
DATE : 17.11.2016

P.C.:-

1 This Notice of Motion is taken out by the plaintiffs for
restraining the defendants from doing/continuing the construction of
any nature whatsoever on the suit land and for appointment of Court
Receiver.

At the outset, it should be noted that the suit is filed in 1987 and the Notice of Motion itself has been taken out in 2003, 16 years later. The counsel for the plaintiffs Mr.Rajguru is unable to

even tell the Court whether they moved for any ad-interim relief or whether any ad-interim order was passed. Mr.Jani for defendant no.2 states that ad-interim order was in fact refused. I am unable to find copy of any order in the proceedings. From the affidavit filed by one C.Raghu for the plaintiffs affirmed on 3.8.2016, it appears that no ad-interim order was ever passed in this Notice of Motion. Be that as it may, the Notice of Motion itself has been taken out after 16 years of filing the suit. Another 13 years have passed after the Notice of Motion has been taken out. No case is made out as to how the situation has changed from 1987 to 2003 and from 2003 till today. The dispute in the suit also is of something that happened in 1978.

2 In the circumstances, I find no case is made out for granting any relief as sought in the Notice of Motion.

Notice of Motion stands dismissed.

CHAMBER SUMMONS 163 OF 2016

1 This Chamber summons is taken out for leave to add the respondents as party defendants. Ms.Iyer appearing for respondent no.2 states that the Chamber summons could be allowed. Nobody is present for respondent no.1 or respondent no.3. Mr.Rajguru also states that no reply has been filed and undertakes to file affidavit of service within 2 weeks from today. Undertaking accepted.

2 In the circumstances, Chamber summons is allowed in terms of prayer clause-(a) and disposed accordingly.

3 The plaint to be amended and amended copy of the plaint to be served upon the defendants including the newly added defendants within 4 weeks.

 Ms.Iyer for respondent no.2 waives service of the writ of summons.

 All defendants to file written statement/additional written statement within 4 weeks of receiving a copy of the amended plaint.

(K.R.SHRIRAM,J)