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

NOTICE OF MOTION NO.2910 OF 2009
WITH
NOTICE OF MOTION NO.1345 OF 2014
WITH
NOTICE OF MOTION NO.2267 OF 2015
WITH
NOTICE OF MOTION NO.275 OF 2016
IN
SUIT NO.2012 OF 2009

Shri Ram Nagar Trust No.1 and Anr. ….Plaintiffs

V/s.

Mehtab Liaq Sheikh and Ors. ....Defendants

Mr.P.K.Dhakephalkar, Senior Advocate a/w Mr.V.K.Rambhadran, Senior Advocate and Mr.Shyam Kapadia, Mr.Prasad Shenoy and Ms.Naishadha Bhatia i/by Crawford Bayley & Co. for plaintiffs.

Mr.Girish Godbole and Ms.Gargi Bhagwat i/by Divekar Bhagwat & Co. for the defendant no.1.

CORAM : K.R.SHRIRAM,J
DATE : 18.8.2016

P.C.:-

NOTICE OF MOTION NO.275 OF 2016

1 The relief sought in this Notice of Motion is to dismiss the Notice of Motion No.2910 of 2009 taken out by the plaintiffs as abandoned in view of the amendment carried out in the plaint pursuant to the order dated 7.12.2015 passed in Chamber Summons No.1074 of 2014 without seeking leave to amend the plaint without prejudice to the pending Notice of Motion No.2910 of 2009.

2 Notice of Motion No.2910 of 2009 is still pending. Ad-interim order has been passed and the Notice of Motion is listed for hearing today. The grounds raised in this Notice of Motion for dismissal of Notice of Motion No.2910 of 2009 can be raised at the final hearing of the Notice of Motion No.2910 of 2009. Therefore, keeping open the rights and contentions of the applicants in this Notice of Motion to raise all these points at the hearing of Notice of Motion No.2910 of 2009, this Notice of Motion stands disposed.

NOTICE OF MOTION NO.2910 OF 2009

3 After making submissions for some time including the points raised in Notice of Motion No.275 of 2016, the counsel agreed that the status-quo order passed on 28.2.2009 read with order dated 2.3.2009 read with order dated 13.4.2009 be confirmed as order in the Notice of Motion and Notice of Motion be disposed. Parties to maintain status-quo.

Notice of Motion disposed accordingly.

NOTICE OF MOTION NO.2267 OF 2015

4 The counsel for the plaintiffs/applicants states that in view of the order passed in Notice of Motion No.2910 of 2009, he is not pressing for this Notice of Motion at this stage.

Notice of Motion accordingly disposed.

KJ

NOTICE OF MOTION NO.1345 OF 2014

5 The counsel for the applicants states that he is not pressing for this Notice of Motion at this stage and states that this Notice of Motion be taken up for hearing along with the suit if at that stage the court feels this Notice of Motion also requires to be considered. Accordingly, this Notice of Motion stands adjourned to the suit.

6 The counsel appearing for the defendant no.1 who is the main contesting defendant states that they have filed written statement and the additional written statement following the amendment to the plaint will be filed in the registry during the course of today. The counsel also states that a copy of this additional written statement will be served upon the plaintiffs during the course of today.

7 Within two weeks, parties to file their respective affidavit of documents. Within two weeks thereafter parties will give inspection of the documents relied upon by them and also exchange statement of admission and denial with reasons for denial.

8 Suit be listed for issues on 26.9.2016. Since this is a suit

of the year 2009, parties are directed to strictly comply with the directions given above, failing which parties will be put to terms including substantial cost.

(K.R.SHRIRAM,J)

KJ