

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

**NOTICE OF MOTION NO. 3177 OF 2006
IN
SUIT NO. 2656 OF 2006**

1A.Sarla Harsukh Kothari & Ors. .. Plaintiffs
Vs.
Dipak Nandlal Shah & Ors. .. Defendants

Mr.Vishal Kanade i/b Madekar & Co. for plaintiffs.

Mr.Pankaj S. Shah for defendant nos.1 to 3.

Ms.Aaushi Shah i/b Deepak Chitnis-Chiparikar & Co. for defendant no.12.

Ms.Vanita Kakar for defendant nos.12A & 13B.

Mr.R.M. Vasudeo for defendant no.14.

Mr.Priyansu S. Mishra for defendant no.15.

Mr.Kaushal A. Tamhane a/w. Mr.Pranesh J. Gada i/b Dhanuka & Partners
for defendant no.16.

**CORAM : K.R.SHRIRAM, J.
DATE : 21ST JULY, 2016**

P.C.

1 This Court, by an order dated 10th October 2006, passed an ad-interim order which has been operating till date. The counsel for the plaintiffs states that the said ad-interim order be confirmed as order in the notice of motion and the notice of motion can be disposed of. The counsel states that he is not pressing for prayer clauses (a) and (a-1) because the ad-interim order in

effect covers the other Agreements and Memorandum of Understandings mentioned in prayer clauses (a-2) and (a-3).

At the same time, the counsel for the plaintiffs also states that Item which are at Sr.No.5 of Exh.'X' to the plaint are machineries, which due to passage of time and non-use for more than a decade have considerably deteriorated in quality and if they are disposed today, may fetch some reasonable value.

2 The counsel states that if advised, the plaintiffs should be given liberty to take out further motion for disposing of these movable properties. The counsel for defendant nos. 14 and counsel for defendant nos.1 to 3 have no objection if the ad-interim order is confirmed as order in the motion. The suit is also ripe for hearing.

3 The ad-interim order is confirmed as order in the notice of motion and the notice of motion is hereby disposed with the liberty as sought.

4 The counsel for defendant nos.13A and 13B and counsel for defendant no.16 state that they are newly added defendants and they are yet to file the written statements.

5 All parties, who wish to file written statement or additional written statement, to file the same and serve a copy thereof upon others within three weeks from today. The counsel for defendant no.16 also waives the writ of summons as also the counsel for defendant nos.13A and 13B.

6 The suit be listed for directions on 12th August 2016.

(K.R. SHRIRAM, J.)