

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

**CHAMBER SUMMONS NO.885 OF 2013
WITH
NOTICE OF MOTION NO.2611 OF 2012
IN
SUIT NO.2554 OF 2012**

Kailashchand C.KanodiaPlaintiff

V/s.

Alka B.Kanodia & Niru S.KanodiaDefendants

Mr.Ambika Prasad Singh i/by S.K.Srivastav & Co. for the plaintiff.

Mr.Vishnu Pai i/by M/s.Dhru & Co. for defendants.

CORAM : K.R.SHRIRAM,J

DATE : 2.8.2016

P.C.:-

1 The counsel for the defendants states that after this chamber summons was taken out they have given inspection of all the documents on which they rely upon over two days. The counsel for the applicant confirms having taken inspection but states that documents do not match with the annexure to the Notice of Motion or to the written statement. He states that the documents are the same but they do not have the originals. It will therefore, be a matter to be considered at the time of trial. Since the defendants stated that they do not have documents as called for by the plaintiff, and the fact that defendants have given inspection as sought to the extent they can, chamber summons stands disposed.

2 The counsel appearing for the applicant further states that defendants have not given inspection of share certificate. The counsel for the defendants states that they have given inspection of all the documents. At the same time, he states that if the plaintiff has sought for the share certificate and defendants have the share certificate, they will give inspection within two weeks.

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3 The counsel for the plaintiff states that as per the order dated 19.12.2012 defendants had made a statement that they will not create any 3rd party rights pending the Notice of Motion. The counsel for the plaintiff states that, that statement to be continued in the Notice of Motion till the disposal of the suit. The counsel for the defendants has no objection to continue the statement provided that the suit proceeds for trial. The counsel also states that the written statement of the defendants is already filed. Therefore, the order passed on 19.12.2012 to continue as order passed in the Notice of Motion.

Notice of Motion accordingly stands disposed.

4 Parties to file their respective affidavit of documents and

also give inspection of the documents relied upon by them on or before 22.8.2016. The statement of admission and denial to be exchanged with reasons for denial on or before 31.8.2016. Suit to be listed for issues on 6.9.2016.

(K.R.SHRIRAM,J)