

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
ORDINARY ORIGINAL CIVIL JURISDICTION
NOTICE OF MOTION NO. 1571 OF 2013
WITH
NOTICE OF MOTION NO. 1415 OF 2015
IN
SUIT NO. 844 OF 2013**

Darryl Bosco Pereira & Ors. .. Plaintiffs
Vs.
Esarul Haq Usmani & Anr. .. Defendants

Mr. Vaibhav V. Ugle i/b E.A. Gonsalves for plaintiffs.

Mr. R.R. Sharma for defendant no.1.

Mr. D.B. Pereira for plaintiff present in Court.

**CORAM : K.R.SHRIRAM, J.
DATE : 20TH OCTOBER, 2016**

P.C.

1 An ad-interim order was passed on 9th December 2013 directing the parties to maintain status-quo as on that date. This status-quo order has been in force for almost three years.

2 The counsel appearing for defendant no.1 states that defendant no.1 has filed written statement. As regards, defendant no.2, counsel appearing for the plaintiffs states that though writ of summons has been served upon defendant no.2, nobody has entered appearance. The suit as against defendant no.2 is transferred to the list of undefended suits. The counsel also states that they have already filed affidavit of service as regards defendant no.2.

3 Since the written statement has been filed and status-quo order is in force for almost three years, in my view, it will be in the interest of justice both parties if the status-quo is confirmed as the final order in the notice of motion.

4 The notice of motion accordingly stands disposed.

5 The parties to file their respective affidavits of documents, complete discovery and inspection and exchange statements of admission and denial with reasons for denial within four weeks from today.

It is made clear if the parties do not comply with the directions strictly, parties will not be permitted to rely upon any document except the documents copies whereof are annexed to the plaint or in the written statement or included in the list of documents annexed to the plaint or the written statement.

6 In view, of the above, Shri Shharma, Advocate appearing for defendant no.1 states that notice of motion no.1415 of 2015 does not survive.

The notice of motion No. 1415 of 2015 accordingly stands disposed.

7 The suit be listed for issues on 6th December 2016.

(K.R. SHRIRAM, J.)