

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
ORDINARY ORIGINAL CIVIL JURISDICTION
NOTICE OF MOTION NO. 59 OF 2015**

IN

SUIT NO. 155 OF 2014

Manjula Shashikant Merchant ... Applicant / Def. No.3

IN THE MATTER BETWEEN :

Abdulla N. Merchant ... Plaintiff

Versus

Vithalbhai Narayan Merchant

and Ors. ... Defendants

Mrs. A. Lambay i/b. Lambay and Company for the Plaintiff.

Mr. Samdani i/b. G.S. Manaswala for Defendant Nos. 1, 2, 4, 5, 6, 7, 8, 9 and 10.

CORAM : S.J. KATHAWALLA, J.
DATED : 2ND FEBRUARY, 2016

P.C.

1. Heard the learned Advocates appearing for the parties and the following order is passed by consent :

i. The above Notice of Motion is not pressed by the Advocate for Defendant No. 3. The same is therefore disposed of as not pressed.

ii. The Defendant No.8 shall be at liberty to file an Application seeking review of the order passed by this Court (Coram : S.C. Gupte, J.) dated 7th August, 2014, which Application shall be disposed off on its own merits.

iii. In the event of Defendant No. 8 filing a Review Application within a period of four weeks from the date of this order, the Plaintiff shall not raise the ground of delay but contest the same on merits.

iv. The learned Advocate appearing for Defendant No. 3 has informed the Plaintiff that the children of Defendant No. 3 are not brought on record after the demise of the husband of Defendant No. 3. The Plaintiff is granted liberty to take out appropriate proceedings to join the children of Defendant No. 3 as party Defendants to the above Suit, if so advised.

v. The Notice of Motion is accordingly disposed of.

(S.J.KATHAWALLA, J.)