

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

NOTICE OF MOTION NO.126 OF 2015

IN

SUIT NO.159 OF 2013

Smt. Leaela Antia & Ors.Applicants/Defendants

IN THE MATTER BETWEEN :

Smt. Bhanumati K. Jhaveri & Ors.Plaintiffs

V/s.

Smt. Leaela Antia & Ors.Defendants

WITH

CHAMBER SUMMONS NO.419 OF 2014

IN

SUIT NO.159 OF 2013

M/s. Johnson Dye Works Pvt. Ltd.Applicant/Def. No.7

IN THE MATTER BETWEEN :

Smt. Bhanumati K. Jhaveri & Ors.Plaintiffs

V/s.

Smt. Leaela Antia & Ors.Defendants

WITH

NOTICE OF MOTION NO.906 OF 2014

IN

SUIT NO.159 OF 2013

Progressive Exports Pvt. Ltd.Applicant/Def. No.6

IN THE MATTER BETWEEN :

Smt. Bhanumati K. Jhaveri & Ors.Plaintiffs

V/s.

Smt. Leaela Antia & Ors.Defendants

Mr. Gautam Ankhad i/b. Hemant Sethi & Co. for the plaintiff nos.1,3,4 and 5.

Mr. Zubin Behramkamdin a/w. Mr. Raman Misra and Mr. Huzeefa Nasikwala i/b. Nasikwala Law Office for the defendant nos.1 to 4 and for the applicant in NMS/126/2015.

Ms. Prachi Khandge i/b. M/s. M.P. Vashi and Associates for the

defendant no.6 and for applicant in NMS/906/2014.
Mr. Sean Wassoodew for the defendant no.7 and for the applicant in
CHS/419/2014.

CORAM : K.R.SHRIRAM,J
DATE : 21st SEPTEMBER, 2016

P.C.:-

NOTICE OF MOTION NO.126 OF 2015

1 At the outset, Mr. Ankhad, counsel for the plaintiff
nos.1,3,4 and 5 submits that plaintiff nos.2 and 6 to 10 have assigned
their rights to a third party and he does not have instructions as to
whether they should be represented by him in the suit or whether they
wish to continue to prosecute the suit. Mr. Ankhad further states that
he has clear instructions from the other plaintiffs to appear in the suit.

2 This notice of motion is taken out on behalf of defendant
nos.1 to 4 to condone the delay in filing the written statement and to
take the same on record. Mr. Ankhad states that he has no objection
subject to the applicants being put to terms.

3 Have heard the counsel for the applicants and also
considered the affidavit in support of the notice of motion and the
reasons mentioned therein for the delay in filing the written
statement. In view thereof, the notice of motion is allowed and
accordingly disposed of in terms of prayer clause – (a).

4 The written statement to be filed in the registry and copy served on or before 23rd September, 2016 and the registry to take the written statement on record subject to removal of office objections.

5 The applicants to pay a sum of Rs.10,000/- as cost to the plaintiffs by way of cheque drawn in favour of the advocate on record for the plaintiffs. This amount has to be paid within one week from today.

CHAMBER SUMMONS NO.419 OF 2014

1 This chamber summons is taken out on behalf of defendant no.7 for direction against the plaintiffs to give inspection of the originals of all the Exhibits annexed to the plaint in the presence of hand writing and/or forensic experts of the defendant no.7 with further permission to the hand writing and/or forensic experts to take photographs and use other examination aids while taking inspection.

2 The counsel for the applicant states that he has taken inspection and while taking inspection it appeared that those documents are forged and fabricated. It is for that reason the applicant has taken out the present chamber summons.

3 Since the applicant is only seeking inspection of the documents, copies whereof are annexed to the plaint, in my view, no prejudice will be caused if the application as sought is granted to the applicant.

4 In the circumstances, the relief as sought in prayer clause – (a) of the chamber summons is granted. The plaintiffs to give inspection within three weeks from today.

5 The chamber summons accordingly stands disposed.

NOTICE OF MOTION NO.906 OF 2014

The notice of motion be listed for hearing on 20th October, 2016.

(K.R.SHRIRAM,J)