

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

**NOTICE OF MOTION NO.4234 OF 2009
IN
SUIT NO.3151 OF 2009**

Shri Hazari Traders Pvt. Ltd.Plaintiff

V/s.

Vallabhdas R. Somaiya & Anr.Defendants

Mr. Siddharth A. Mehta i/b. Ms. Swati Sawant for the plaintiff.

Mr. Pravin Samdhani, senior advocate a/w. Ms. Dipti Panda i/b.

Ms. Neelam P. Prasad for the defendant no.1.

Mr. Sanjay Jain a/w. Ms. Amita Jasani i/b. M/s. Purnanand & Co. for the defendant no.2.

CORAM : K.R.SHRIRAM,J

DATE : 7th JULY, 2016

P.C.:-

1 This notice of motion is filed on 10th December, 2009.

Mr. Samdhani, senior counsel for the defendant no.1 states that the suit basically is for specific performance of an unstamped MOU dated 13th June, 2003 and the suit has been lodged on 1st April, 2009.

Mr. Samdhani further states that the plaintiff had not even moved for any ad-interim relief.

2 Therefore, in my view, nothing survives in the notice of motion as it has remained pending for more than seven years with no urgency being shown.

3 In the circumstances, the notice of motion stands dismissed.

4 All the defendants have filed their written statement. Therefore, on or before 22nd July, 2016 the parties to file their respective affidavit of documents and also give inspection of the documents. On or before 30th July, 2016 parties to file and exchange their statement of admission and denial with reasons for denial.

5 Stand over to 8th August, 2016 for issues.

(K.R.SHRIRAM,J)