

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

SUIT NO. 1255 OF 2012

Sushant R. Acharya ... Plaintiff

Versus

Nandkishore A. Acharya and Ors. ... Defendants

**ALONG WITH
CHAMBER SUMMONS NO. 996 OF 2013**

IN

SUIT NO. 1255 OF 2012

WITH

NOTICE OF MOTION NO. 2149 OF 2015

IN

SUIT NO. 1255 OF 2012

WITH

NOTICE OF MOTION (L) NO. 3431 OF 2015

IN

SUIT NO. 1255 OF 2012

Ms. Shikha Goenka for the Plaintiff.

Mr. Ankit Lohia a/w. Mr. S. Kadam i/b. Kadam and Company for Defendant No. 1.

Mr. Nandkishore Acharya – Defendant No. 1 present in person.

Mr. Alok Acharya (son of Defendant No. 1) present in person.

CORAM : S.J. KATHAWALLA, J.
DATED : 14TH JANUARY, 2016

P.C.

1. The learned Advocate appearing for Defendant No. 1 on instructions seeks to withdraw Notice of Motion No. 2149 of 2015. The Defendant No. 1 who is present in Court tenders an unconditional apology for the allegations made in the Affidavits in support of Notice of Motion No. 2149 of 2015 and for delay in

complying with the order dated 30th October, 2015. He unconditinoally withdraws all the allegations made in the said Affidavits. In view thereof, Notice of Motion No. 2149 of 2015 is allowed to be withdrawn.

2. The learned Advocate appearing for Defendant No. 1 states that Defendant No. 1 has complied with the order dated 30th October, 2015 and has handed over certain documents in support of the said submission. The learned Advocate appearing for the Plaintiff seeks time to go through the documents and to confirm whether the order dated 30th October, 2015 is in fact complied with by Defendant No. 1.

3. The Prothonotary and Senior Master shall forthwith handover keys of the ground floor premises to Defendant No. 1 as set out in Clause (xv) of paragraph No. 2 of the order dated 30th October, 2015.

4. Time to file the Written Statement by the Defendants is extended upto 4th February, 2016.

5. Stand over to 19th January, 2016.

(S.J.KATHAWALLA, J.)