

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
ORDINARY ORIGINAL CIVIL JURISDICTION
NOTICE OF MOTION NO.307 OF 2014
IN
SUIT NO.211 OF 2014**

Essar House LimitedApplicant

IN THE MATTER BETWEEN :

Essar House LimitedPlaintiff

V/s.

Clear Sweep and Ors.Defendants

Mr.Darshan Mehta a/w Ms.Aditi Gandhi i/by M/s.Dhruve Liladhar & Co. for the plaintiff/applicant.

Mr.Chetan Mali for defendant no.3.

**CORAM : K.R.SHRIRAM,J
DATE : 19.6.2017**

P.C.:-

1 By an order dated 24.1.2014 read with order dated 28.1.2014 this Court was pleased to grant ad-interim reliefs as mentioned therein.

2 Paragraph-3 of the order dated 28.1.2014 reads as under :-

“Today, the Learned Advocate appearing for Defendant No.3 states that Defendant No.3 shall not commit trespass on the property of the Plaintiff and that the order granted on 24th January, 2014, be continued until the Defendants file their affidavits-in-reply. In view thereof, the relief granted against the Defendants on 24th January, 2014, shall continue to be in force until further orders.”

3 The order has been in force for more than 3 years. Considering the facts as quoted above, in my view, it is a fit case for continuing the ad-interim order dated 24.1.2014 read with order dated 28.1.2014 in the Notice of Motion until the hearing and final disposal of the suit.

4 Accordingly, order dated 24.1.2014 read with order dated 28.1.2014 are confirmed as orders in the Notice of Motion and Notice of Motion is accordingly disposed.

5 Mr.Mehta states that the defendant no.3 is the only contesting defendant who has filed written statement. Mr.Mehta states that defendant nos.1 & 2 have been served but no written statement has been filed and undertakes to file affidavit of service within one week from today.

6 Suit as against defendant nos.1 & 2 be transferred to the list of un-defended suit.

7 So far as defendant no.3 is concerned, stand over to 4.7.2017 for issues on which date, parties will come with agreed draft issues and a separate list of issues on which they are unable to agree.

(K.R.SHRIRAM,J)