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IN THE HIGH COURT OF JUDICATURE AT BOMBAY

ORDINARY ORIGINAL CIVIL JURISDICTION

NOTICE OF MOTION (L) NO.499 OF 2017

IN

COMMERCIAL SUIT (L) NO.449 OF 2017

Lekhraj Gangaram Advani

..Plaintiff.

V/s.

Nirmala Gulab Advani & Ors.

..Defendants.

Dr. Birendra Saraf with Mr.Naushad Engineer and Ms. Pooja Kshirsagar i/b. Sheetal Mehta for the Plaintiff.

Mr.Snehal Shah with Mr.Atul Daga i/b. K.K. Parekh & Co. for the Defendants.

CORAM : K.R.SHRIRAM, J.

DATED : 28 AUGUST 2017

P.C.:-

Mr.Shah, learned counsel for the Defendants, on instructions, states that without prejudice to the rights and contentions of the Defendants, including on the issue of jurisdiction, the Defendants will not henceforth act on the deed of dissolution dated 29 April 1998, a copy whereof is annexed to the plaint. Mr.Shah states that Defendants have already acted upon this

document and have in fact parted with possession of the suit property that is described at Exhibit-A to the plaint in favour of Mr.TikamdasT. Manwani and two others on 30 June 2017.

2. Dr.Saraf, however states that Defendants were never in possession of the suit property.

3. Affidavit in reply to be filed and copy thereof be served within three weeks. Rejoinder, if any, to be filed within two weeks thereafter. Motion to come up in due course.

4. Plaintiff to remove all office objections and get the notice of motion and suit numbered.

5. On or before 1 September 2017 Defendants to furnish photocopies of the documents / agreement based on which Defendants claim to have parted with the possession of the property described in Exhibit-A.

(K.R.SHRIRAM, J.)