

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
ORDINARY ORIGINAL CIVIL JURISDICTION
NOTICE OF MOTION NO. 2406 OF 2016
WITH
NOTICE OF MOTION NO. 2409 OF 2016
IN
SUIT NO. 850 OF 2016**

Shabhan Khan

.. Applicant

In the matter between :

Shabhan Khan

.. Plaintiff

Vs.

Sameer Khan & Ors.

.. Defendants

Mr.Rashmin Khandekar a/w. Ms.Karishma Shikre i/b Gordhandas and Fozdar for plaintiff/applicant.

Ms. Sneha Panchmukh i/b Joseph Varikasery for defendant no.1.

Ms.Kavita Ambekar-2nd Asstt. to Court Receiver present.

CORAM : K.R.SHRIRAM, J.

DATE : 10TH JANUARY, 2017

P.C.

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1 Heard the learned counsel for the plaintiff. The counsel for defendant no.1 states that they have no instructions.

2 I have considered the ad-interim order passed by this Court on 22nd March 2016 in which the Court has considered in detail the submissions and despite observing that parties will be heard fully at the time of the notice of motion and it is possible that at the final hearing of the notice of motion, a different view may be taken, the Court had granted the prayer clauses (b), (c), (d) and (e).

3 I have gone through the documents relied upon by the plaintiff and
also satisfied that the ad-interim order passed on 22nd March 2016 has to be
confirmed as an order in the notice of motion.

4 The notice of motion accordingly disposed in terms of prayer clauses
(b), (c), (d) and (e).

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5 On 6th May 2016, time was granted to the defendants to file affidavit
in reply on or before 17th June 2016. Till date, no affidavit in reply has been
filed. In the order dated 6th May 2016, a statement on behalf of the
defendants is also made that the defendants are complying with the ad-
interim injunction. After this order was passed where the statement of the
defendants is recorded, there is nothing on record to show that the
defendants have continued in infringing the order dated 22nd March 2016.
Therefore, this notice of motion is disposed accordingly. However, the
plaintiff is given liberty to take out fresh application should they come
across any infringement by the defendants of the order dated 22nd December
2016 read with today's order.

(K.R. SHRIRAM, J.)