

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

**NOTICE OF MOTION NO. 952 OF 2013
IN
SUIT NO. 96 OF 2011**

Sanjay Maheshwari & Ors.

.... Applicants

In the matter between :

Sanjay Maheshwari & Ors.

.... Plaintiffs

Vs.

Shyam Roopchand Jaisingh & Ors.

.. Defendants

Ms.Aparna Devkar i/b M/s. M.P. Vashi and Associates for
plaintiffs/applicants.

Mr.Samit Shukla i/b DSK Legal for defendant nos.1 and 2.

Mr.Rahul Hingmire i/b M/s. Hariani & Co. for defendant no.8.

Mr.R.J. Mane, AGP for defendant no.9.

**CORAM : K.R.SHRIRAM, J.
DATE : 23RD JANUARY, 2017**

P.C.

This notice of motion was listed on 17th January 2017 and at the request of the counsel for the plaintiffs, stood over to today. Shri Shukla appearing for defendant nos.1 and 2 submits at the outset that the reliefs sought in this notice of motion were sought in an earlier motion which came to be dismissed by an order dated 17th September 2010. The plaintiffs had, it seems, preferred an Appeal and that Appeal also came to be dismissed on

29th June 2011. The plaintiffs also carried the matter to the Apex Court and the Apex Court also dismissed the SLP vide order dated 23rd January 2012. Defendant nos.1 and 2 in their affidavit in reply of one Shyam Jaysingh affirmed on 5th September 2013 have drawn a comparative chart of the reliefs sought in that earlier motion and the notice of motion listed today. It is quite obvious that both the reliefs are identical. No rejoinder is also filed denying the averments made by defendant nos.1 and 2. At the same time, I have considered prayers sought in the notice of motion. All the prayers are seeking a final decree which cannot be granted at this stage. Therefore the notice of motion dismissed.

(K.R. SHRIRAM, J.)