

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

**NOTICE OF MOTION NO. 3041 OF 2010
WITH
NOTICE OF MOTION NO. 1025 OF 2013
IN
SUIT NO. 2827 OF 2010**

Jasjeet Gill .. Plaintiff
Vs.
Sarabjit Singh Hundal & Ors. .. Defendants

Ms.S.Sethi for plaintiff.

Mr.Devan Lakhotia i/b M/s. Juris Consillis for defendant nos.1 and 5.

Mr.D.K.Patil, Section Officer of Court Receiver present in Court.

**CORAM : K.R.SHRIRAM, J.
DATE : 18TH APRIL, 2017**

P.C.

1 Ms.Sethi appearing for the plaintiff seeks leave to withdraw the notice of motion and submits that in view thereof the issue of limitation raised by the defendants in their written statement, can be kept open, to be decided at the hearing of the suit along with the other issues.

2 Mr. Lakhotia appearing for defendant nos.1 and 5 states that he has no objection if the notice of motion is withdrawn and the issue of limitation is heard along with the other issues in the suit. Mr. Lakhotia also states that the written statement of defendant no.1 has already been filed and the written

statement of defendant no.5 will be filed within four weeks from today.

3 In view of the above, the notice of motion is dismissed as withdrawn with the issue of limitation kept open to be heard along with the other issues in the suit.

4 Ms.Sethi states that defendant nos.2, 3 and 4 have also been served with a copy of the amended plaint and the writ of summons and undertakes to file affidavit of service within two weeks from today.

Defendant no.2, 3 and 4, should they wish to file written statement, the same to be filed and copy served within four weeks from today, failing which, the suit as against defendant nos.2, 3 and 4 to be transferred to the list of undefended suit without further reference to the Court.

5 The registry to forward a copy of this order to defendant nos.2, 3 and 4. The plaintiff shall also independently forward a copy of this order to defendant nos.2, 3 and 4.

6 In view of the withdrawal of the notice of motion, Ms.Sethi submits that the Court Receiver be discharged without passing of accounts. Ms.Sethi undertakes that the plaintiff shall pay charges of the Court Receiver, if there

is any outstanding within two weeks of receiving communication from the Court Receiver.

Undertaking accepted. Court Receiver discharged without passing of accounts.

7 The suit be listed for directions on 16th June 2017.

NOTICE OF MOTION NO. 1025 OF 2013

8 The counsels state that this notice of motion is already disposed.

The registry to take note of this and if not, to be considered as disposed.

(K.R. SHRIRAM, J.)