

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

**NOTICE F MOTION NO. 975 OF 2017  
IN  
NOTICE OF MOTION NO. 183 OF 2017  
IN  
SUIT NO. 535 OF 2013**

|                                   |                                       |
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| M/s.Birla Cotsyn (India) Pvt.Ltd. | ...Applicant No.1<br>(Orig.Defendant) |
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**In the matter between:**

|                                      |               |
|--------------------------------------|---------------|
| M/s.Simar Pride Ventures & Ors.      | ...Plaintiffs |
| vs.                                  |               |
| Birla Cotsyn (India) Pvt.Ltd. & Ors. | ...Defendants |

Mr. G.B. Kedia for Plaintiffs.  
Mr. Subir Kumar for Defendants.

**CORAM : S.C. GUPTE, J.**

**23 JUNE 2017**

**P.C. :**

By an order dated 23 June 2017 passed on Notice of Motion No.183/2017, this court passed a decree on admission in terms of prayer clauses (a), (b) and (f) of the plaint. This decree was passed *inter alia* on an admission contained in a statement made before the court and recorded in its order dated 2 May 2017. The statement was to the effect that Defendant No.1 had no objection if it was directed to execute the conveyance, as prayed, in favour of the Plaintiff. This statement was said to have been made on instructions from Shri Yash Birla. There is a correction sought by Defendant No.1 in this description of the statement. It is submitted that this statement was made on the basis of instructions of Mr.Vipin Varkhawat, the present Chief Financial officer of Defendant No.1.

2           The present notice of motion, namely, Notice of Motion No.975/2017, has been taken out by original Defendant No.1 to make this correction. This motion was circulated along with Notice of Motion No.183/2017, which was disposed of by this court on 23 June 2017, as noted above. Through oversight, however, Notice of Motion No.975/2017 was not disposed of by this court. Learned Counsel for the Plaintiffs has no objection to the correction being noted. There is no dispute between the parties that Mr.Vipin Varkhawat has the authority of Defendant No.1 to make this statement.

3           Accordingly, Notice of Motion No.975/2017 is allowed in terms of prayer clauses (a) and (b).

**(S.C. Gupta, J.)**