

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
ORDINARY ORIGINAL CIVIL JURISDICTION
NOTICE OF MOTION NO. 1510 OF 2012
IN
SUIT NO. 953 OF 2009**

Adi Solibharucha & Ors. .. Plaintiffs
Vs.
Persepolis Estates Pvt. Ltd. & Ors. .. Defendants

**WITH
NOTICE OF MOTION NO. 575 OF 2014
IN
SUIT NO. 953 OF 2009**

Adi Solibharucha & Ors. .. Plaintiffs/Applicants
Vs.
Persepolis Estates Pvt. Ltd. & Ors. .. Defendants
And
HDFC Bank Ltd. .. Respondent

Mr.Niranjan Vaghela i/b Pandyya & Co. for plaintiffs.
Mr.Roop M. Vasudeo for defendants.
Me.Percy Lakadia-defendant no.2 present in Court.

**CORAM : K.R.SHRIRAM, J.
DATE : 21ST SEPTEMBER 2017**

P.C.

NOTICE OF MOTION NO. 1510 OF 2012

1 Mr.Vaghela appearing for plaintiffs states that nothing survives in this notice of motion and the same has been disposed.

Registry to take note of the same.

NOTICE OF MOTION NO. 575 OF 2014

2 Mr.Vasudeo, on instructions of defendant no.2, who is present in Court, states that the property of defendant no.3 has already been sold

finally to a third party in an auction and the sale has been completed yesterday. Mr.Vasudeo states that respondent's presence in Court is necessary to confirm this and since respondent-HDFC Bank Ltd. is not present today, a notice be issued to respondent.

3 The counsel for plaintiff states that there was an offer by which a third party had paid 25% sum to respondent but he is not aware whether the sale is completed or otherwise. Since what Mr.Vasudeo states will have a bearing on the reliefs sought in this notice of motion, in my view, it is necessary that respondent-HDFC Bank is directed to remain present in Court on the next date. Mr.Vasudeo states that the notice of motion has been served upon respondent long ago but they have not appeared in this notice of motion on earlier occasions.

4 HDFC Bank-respondent Ltd is directed to remain present in Court on the next date. Plaintiff to forward a copy of this order to HDFC Bank Ltd and file an affidavit of service atleast two weeks before the next date.

5 The notice of motion be listed for hearing on 5th October 2017.

(K.R. SHRIRAM, J.)