

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

**NOTICE OF MOTION NO.1859 of 2010
IN
SUIT NO.1857 OF 2010**

M/s.Bandra Spirit Depot Pvt. Ltd. & Ors.)....Plaintiffs

V/s.

1(a) Smt.Smita Surendra Sawant & Ors.)....Defendants

Mr.Devang R.Sanghvi for plaintiffs.

Mr.Pradeep J.Thorat for the defendant no.5.

CORAM : K.R.SHRIRAM,J

DATE : 14.7.2017

P.C.:-

1 Mr.Sanghvi appearing for plaintiffs states that he was seriously unwell on 10.7.2017 when the Notice of Motion came to be dismissed and he has come today because the suit is listed for dismissal and he has to again go for medical treatment.

2 Mr.Thorat appearing for defendant no.5 has no objection. Therefore, Notice of Motion No.1859 of 2010 restored to file.

NOTICE OF MOTION NO.1859 OF 2010

1 The reliefs sought in this Notice of Motion is for restraining the defendants from creating 3rd party rights and for appointment of Court Receiver. When the plaintiffs had moved for ad-interim reliefs

on 23.7.2010 the Court had rejected the ad-interim relief. The Court had observed that prima facie the suit was beyond period of limitation. That position cannot be changed today.

2 Be that as it may, the situation that prevailed on 23.7.2010 has not changed today after 7 years.

3 In the circumstances, I am not inclined to grant any relief as sought in the Notice of Motion. Notice of Motion dismissed.

4 Mr.Sanghvi states that plaint has been amended subsequently and copy of the amended plaint has been served on the defendants. Defendants to file further written statement and serve copy within 4 weeks.

5 Suit be listed for issues on 22.8.2017.

(K.R.SHRIRAM,J)