

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

**NOTICE OF MOTION NO.389 OF 2013
IN
SUIT NO.51 OF 2013**

A.V.Enterprises

....Applicant/Plaintiff

V/s.

Gopimoru Combine and Ors.

....Defendants

Mr.A.Singh a/w Mr.Jeet Gandhi i/by Dhanesh R.Shah for
plaintiff/applicant.

Ms.Manjiri S.Parasnis for defendant no.1.

Mr.R.J.Mane, AGP for defendant no.5.

**CORAM : K.R.SHRIRAM,J
DATE : 10.8.2017**

P.C.:-

1 The suit was lodged on or about 13.7.2012 and the Notice of Motion was lodged on 20.7.2012. The suit has been numbered only on 15.1.2013 and the Notice of Motion also has been numbered only on 28.2.2013. The plaintiff never moved for any ad-interim relief.

2 Since there is nothing on record showing any change in circumstances between July-2012 and today, I asked the counsel appearing for the applicant as to whether there has been any change in the circumstances in the last 5 yeas, counsel stated there are no change in circumstances but they are apprehending that defendant no.1 may do something to affect the rights of the plaintiff. That

cannot be a reason for granting the relief as sought in the Notice of Motion.

3 Notice of Motion dismissed.

4 Mr.Singh for plaintiff/applicant seeks leave to move the court should any change in circumstances happen between today and the suit being taken up for final hearing. No such liberty is required because it is for the plaintiff to make out the case and to move for appropriate relief.

5 Suit be listed for directions on 1.9.2017.

(K.R.SHRIRAM,J)