

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

**NOTICE OF MOTION NO.3033 OF 2011
IN
SUIT NO.2527 OF 2011**

Arziki Developers & Ors.)....Plaintiffs/applicants

V/s.

Suman V.Shah & Ors.)....Defendants

Mr.S.Shamim i/by Shamim & Co. for plaintiffs/applicants.

Mr.Roshan Tanna i/by Kailas Dewal for defendant nos.3 to 6.

Mr.Chirag Dave i/by Legasis Partners for defendant no.7.

**CORAM : K.R.SHRIRAM,J
DATE : 6.4.2017**

P.C.:-

1 Mr.Shamim appearing for the plaintiffs/applicants seeks short adjournment because his clients are presently in America. In my view, that is not a ground for granting any adjournment.

2 The plaint was lodged on 16.11.2010. The Notice of Motion has been taken out on 10.10.2011, almost 11 months later. The plaintiffs have also not moved for any ad-interim relief in the last almost six years. No fresh affidavit has been filed to show how the situation has changed between 2010, 2011 and today.

3 In my view, no case is made out for grant of the reliefs sought in the Notice of Motion. Notice of Motion dismissed.

4 The suit as against all the defendants except defendant no.7, I am told, has already been transferred to the list of 'undefended suit'. The counsel appearing for defendant no.7 agrees. Therefore, suit be listed for issues on 25.4.2017 as between the plaintiffs and defendant no.7, on which date parties shall come with the agreed draft issues and a separate list of issues they are unable to agree upon. In the meanwhile, these parties shall also file their respective affidavit of documents and complete discovery and inspection and also exchange statement of admission and denial with reasons for denial.

(K.R.SHRIRAM,J)