

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
ORDINARY AND ORIGINAL CIVIL JURISDICTION
IN ITS COMMERCIAL DIVISION
COMMERCIAL NOTICE OF MOTION NO.211 OF 2017
IN
COMMERCIAL SUIT NO.288 OF 2017**

Bhupendra Ratilal ShahApplicant/Plaintiff

Vs.

Curio Finance and Investment Pvt. Ltd. & Ors.Defendants

Mr. Sharan Jagtiani a/w. Ms. Mitakshi Lakkari I/b. Wadia Ghandy and Co.
for applicant/plaintiff.

Ms. Sabah N. Khan I/b. Mr. Pankaj Dwivedi for defendant no.1.

Mr. Suyash Gadre I/b. Utangale and Company for defendant no.4.

CORAM : K.R.SHRIRAM, J.

DATE : 4th DECEMBER 2018

P.C.:

1 Mr. Jagtiani, counsel for plaintiff states that the order dated 7th April 2017 read with order dated 28th April 2017 read with order dated 8th August 2017 be confirmed as order in the notice of motion since the Court Receiver has complied with the directions as passed by this Court. The counsel for defendant no.4 states that they are only proforma parties and they will leave it to the Court. The counsel for defendant no.1 states that they have not been receiving instructions.

2 In the circumstances, as there is no opposition to the suggestion made by Mr. Jagtiani, the order dated 7th April 2017 read with order dated 28th April 2017 read with order dated 8th August 2017 is confirmed as order in the notice of motion and notice of motion accordingly disposed.

3 Mr. Jagtiani states that the relief sought in the suit is only against defendant no.1 and defendant nos.2 to 4 are only proforma parties. Mr. Jagtiani states that the suit against defendant no.1 has already been transferred to the list of undefended suits pursuant to self operative order passed by Prothonotary and Senior Master, High Court, Bombay on 4th August 2017.

4 Therefore, suit be listed before the appropriate Court that is hearing undefended suits.

(K.R. SHRIRAM, J.)