

Atul

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
ORDINARY ORIGINAL CIVIL JURISDICTION
NOTICE OF MOTION NO. 71 OF 2018
IN
SUIT NO. 1333 OF 2004

Ashok Mittal	...Applicant
<i>In the matter between</i>	
Ashok Mittal	...Plaintiff
<i>Versus</i>	
Goldcrest Capital Market Pvt Ltd	...Defendant
<i>And</i>	
Ashok Purohit & Company	...Respondent

Ms Dhawani Bokaria, *i/b Purnanand & Company, for the Plaintiff in Suit No. 400 of 2004 and Applicant in Notice of Motion No. 73 of 2018.*

Mr DD Madon, *Senior Advocate, with Dimple Merchant, Digant Bhatt, & Gaurav Jangle, i/b IV Merchant & Co., for the Applicant in Notice of Motion No. 71 of 2018.*

Mr Harsh B, *i/b ALMT Legal, for the Respondents in Notice of Motion No. 73 of 2018.*

Mr A Lohia, *with Ms R Patil, i/b Negandhi Shah & Himayatullah, for the Respondent in Notice of Motion No. 71 of 2018.*

Ms Ruchi Mittal, *present.*

CORAM: G.S. PATEL, J
DATED: 25th June 2018

PC:-

1. In view of the order passed in Notice of Motion No. 73 of 2018 setting aside the *ex parte* decree passed in Suit No. 400 of 2004 against the present Plaintiff in Suit No. 1333 of 2004, this Motion will also have to be made absolute.
2. The order dated 16th July 2014 dismissing the suit will thus need to be set aside and thus Suit will need to be restored to file.
3. Apart from anything else, the Plaintiff's case in this Suit overlaps to a significant extent with his defence to Suit No. 400 of 2004 filed by the present Defendant.
4. The Motion is thus made absolute in terms of prayer clause (a) and (b).
5. This Suit will also be listed for directions including if necessary framing or re-framing issues on 17th July 2017.
6. This order is without any assessment on the merits of the allegations made by each party against the other in their respective suits.

(G. S. PATEL, J)