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IN THE HIGH COURT OF JUDICATURE AT BOMBAY
ORDINARY ORIGINAL CIVIL JURISDICTION
NOTICE OF MOTION NO. 253 OF 2017
IN
SUIT NO. 2545 OF 2007

Tasneem Merchant	...Applicant
<i>In the matter between</i>	
Halima Mohd Siddique Farooqui & Ors	...Plaintiffs
<i>Versus</i>	
Kadir Yakub Patarwala and Ors	...Defendants

None for the Applicant.

Mr Sujit Lahoti, *i/b Legal Associates, for the Plaintiffs.*

Ms Armin Vandrewalla, *with VA Shaikh, for Defendants Nos. 1, 2, 4 and 5.*

Mr Deepak Shukla, *i/b M/s. V Mistry & Co., for Defendants Nos. 7 to 10.*

CORAM: G.S. PATEL, J

DATED: 26th March 2018

PC:-

1. This is a Notice of Motion by Defendant No. 16. *Prima facie* the reliefs that it seeks are indeed very wide.

2. On 18th January 2018, SC Gupte J passed the following order:

"The ad-interim relief was refused in the present Notice of Motion on at least two occasions. Learned Counsel for the Applicant/Defendant No. 16 informs the Court that there have been several subsequent developments, which amount to change of circumstances and which requires the Applicant to move for an ad-interim relief afresh. Learned Counsel submits that his client shall put these developments on affidavit and after serving the affidavit on the other contesting parties, shall move ad-interim application after notice to the contesting parties."

3. It seems that in ostensible compliance with this order — or at least pursuant to the liberty it grants — Defendant No. 16 did serve a copy of an Affidavit on the other parties. No such Affidavit is on the Court's file. The other contesting Defendants (the Suit is for partition) prepared a response or Rejoinder but could not file it since the 16th Defendant's further Affidavit had itself not been filed in Court.
4. The matter is listed at Serial No. 42 which is called out at about 1.50 pm. None appears for the Applicant/Defendant No. 16.
5. The Notice of Motion is dismissed. No costs.
6. It is made clear that this Notice of Motion will not be restored unless there is proof of notice of such a restoration application being served on the Advocates for all the other parties.

(G. S. PATEL, J)