

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

**NOTICE OF MOTION NO.1135 OF 2016  
IN  
SUIT NO.1628 OF 2008**

Nusli Neville Wadia )....Applicant/plaintiff  
V/s.

Ferani Hotels Pvt. Ltd. & Ors. )....Defendants

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Ms.Rujata Patil I/by Negandhi Shah and Himayatullah for  
applicant/plaintiff.

Mr.Sarosh Bharucha a/w Ms.Alya Khan and Ms.Aditi Bhansali I/by  
Vashi and Vashi for defendant no.1.

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

**DATE : 23.10.2018**

**P.C.:-**

1. At the outset, Mr.Bharucha for defendant no.1 states, Vashi & Vashi undertakes to file Vakalatnama for defendant no.1 within one week. Undertaking accepted.

2. The prayer in this Notice of Motion is to stand over Suit No.1628 of 2008 for a period of twelve weeks or for such duration as this Hon'ble Court deems fit and proper. This Notice of Motion is taken out because the issue whether plea of limitation will be a plea of jurisdiction is pending before the Hon'ble Supreme Court of India under Section 9A of Code of Civil Procedure 1908 and the petition to

review of the order dated 8.4.2015 in *Foreshore Co-operative Housing Society Ltd. Vs. Praveen D.Desai (dead) through Lrs*, is still pending. Since section 9A has been deleted from the Code of Civil Procedure, 1908, this Notice of Motion does not survive.

2. Notice of Motion disposed.

(K.R.SHRIRAM,J)