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

**NOTICE OF MOTION NO.4 OF 2012
IN
COMMERCIAL SUIT NO.21 OF 2012**

Suraj Diamonds N.V. ...Plaintiff
vs
Aviraj Gems And 5 Ors. ...Defendants

.....
Mr. Rohaan Cama, a/w. Mr. Mahesh Londhe, i/b. Sanjay Udeshi & Co., for
Plaintiff/Applicant.

Mr. Rajesh Maravoor, i/b. Maravoor Wamorkar & Co., for Defendant Nos. 2,
4 and 5.

Mr. Rajmani Varma, a/w. Mis. Shivani Shukla, i/b. Navdeep Vora &
Associates, for Defendant Nos. 3 and 6.

.....
CORAM : S.C. GUPTE, J.

DATED : OCTOBER 19, 2018

P.C. :

. The original notice of motion, namely, Notice of Motion No.602 of 2012, which has now been renumbered as notice of motion in Commercial Division Suit No.4 of 2012, seeks relief in the nature of attachment before judgment. By an order dated 26 June 2015, since there were objections to the jurisdiction of the Court, two preliminary issues were framed as to jurisdiction and limitation. As and by way of ad-interim relief, the Defendants were directed to deposit Rs.2,06,68,338/- pending determination of the issues under Section 9A of the Code of Civil Procedure. Since the amount was not deposited by this Court, by a further order dated 20 January 2016, this Court restrained the Defendants from transferring, selling or creating any third party interest in respect of the diamonds

mentioned in the invoices, forming part of the suit, as also assets of the Defendants, including bank accounts. The Defendants were also directed to disclose particulars of their assets, including bank accounts by way of an affidavit. The Court observed that after such disclosure, the order passed by the Court on 20 January 2016 will be modified and restricted to particular assets so as to take care of the Plaintiffs' dues referred to in the suit. The Defendants have now disclosed their assets. Though the correctness of the disclosure is not accepted by the Plaintiffs, the order of attachment before judgment passed on 20 January 2016 is required to be modified so as to relate to the particular assets disclosed by the Defendants as proposed in the order. Accordingly, the assets disclosed by the two sets of Defendants in their two separate affidavits filed in response to the directions of this Court passed on 20 January 2016, shall stand attached. In case of some of the properties, the affidavits disclose that they are subject matter of the separate suits between the Defendants inter se. As directed by this Court, the properties shall stand attached before judgment, as mentioned above. The effect of such attachment qua the other suits shall be considered in the other suits.

2. The notice of motion is disposed of in these terms. The issues, originally framed on 26 June 2015, shall form part of the issues to be framed under Order 14 of the Code of Civil Procedure in the course of the trial.

3. Since the written statements are already on record, place the suit for framing of issues on 22 November 2018.

(S.C. GUPTE, J.)