

IN THE HIGH COURT OF JUDICATURE AT BOMBAY**ORDINARY ORIGINAL CIVIL JURISDICTION****NOTICE OF MOTION NO.603 OF 2013****IN****SUIT NO.1245 OF 2012****WITH****NOTICE OF MOTION NO.1566 OF 2013****IN****SUIT NO.1245 OF 2012**

Darius K. Soonawalla And Anr. ...Applicants/Plaintiffs

Versus

Ferangis F. Nargolwala And 12 Ors. ...Defendants

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None for the Applicants/Plaintiffs.

Mr. Rohit Lalwani, i/b. Manilal Kher Ambalal & Co., for Defendant Nos. 1, 2 and 3.

Mr. Sharad Wakchoure, i/b. Kishore Thakurdas & Co., for Defendant No.4.

Mr. Harshad C. Pimple, for Defendant No.12.

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CORAM : S.C.GUPTE, J.

DATED : 25 SEPTEMBER 2018

P.C.:

. The present notice of motion seeks various affirmative reliefs including cancellation of a no objection certificate and IOD, and deposit of damages, besides the prayers for expeditious hearing of the suit and the notice of motion therein and clubbing of the matters with Writ Petition No.2893 of 2012. None appears for the Plaintiffs. Even on the last occasion, i.e. on 17 September 2018, none had appeared on behalf of the

Plaintiffs. On the last occasion, the Plaintiffs' chamber summons was disposed of and the motions were stood over to today's date. Whilst it is obvious that the affirmative reliefs sought by the Plaintiffs cannot be granted at the interim stage, there is no question of even tagging of the matters with Writ Petition No.2893 of 2012. That writ petition has since been disposed of by this Court by an order dated 18 March 2015. At the most, the hearing of the suit can be expedited. There is no question of expediting the hearing of Notice of Motion No.3433 of 2011 taken out in the suit, since that motion stands disposed of as of date. Accordingly, the hearing of the present suit is expedited at the request of the Plaintiffs and the other prayers of the motion are rejected. Notice of Motion No.603 of 2013 is disposed of accordingly.

2. Notice of Motion No.1566 of 2013 seeks relief in respect of perjury and contempt of court against Defendant Nos. 1, 2 and 3 including Advocates of this Court. Since the Plaintiffs does not appear and support the notice of motion, the notice of motion is dismissed for want of prosecution.