

JPP

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

***APPEAL (LODG.) NO. 441 OF 2018
IN
CHAMBER ORDER NO. 17 OF 2016
IN
SUIT NO. 212 OF 2016
WITH
NOTICE OF MOTION NO. 1040 OF 2018***

Bina Deepak Panchamia and Ors. ... Appellants.

V/s.

The Bombay Dyeing and Manufacturing
Company Limited and Ors. ... Respondents.

Mr. Sanjay Jain a/w. Mr. Nishant Sasidharan and Ms. Kanizz
Munjee i/b. LJ Law for the Appellants.

Mr. Darius Khambata, Senior Advocate, Mr. J.P. Sen, Senior
Advocate, Mr. Vaibhav Ghogare, Mr. Pheroze Mehta, Ms. Rujuta
Patil i/b. Negandhi Shah & Himayatullah for Respondent 1.

Dr. Birendra Saraf, Ms. Megha Chandra, Ms. Madhu Gadodia, Mr.
Himanshu Chaudhary i/b. Naik Naik and Company for Respondent
No.3.

***CORAM : B.P. Dharmadhikari and
Sarang V. Kotwal, JJ.***

DATE : 4 December 2018

P.C. :

Heard respective Counsel. Perused order dated 21 August 2018. Order does not in any way decide any lis between parties. The Appellants – Plaintiffs would have taken out Chamber Summons without any prejudice.

2. Contention of learned Counsel for the Appellants is that as matter is expedited, the immediate cognizance of Chamber Order should have been taken.

3. Hon'ble Apex Court as on 18 April 2018 requested this Court to decide the Suit within one year and all interim applications were to be decided within one month. Chamber Order was very much pending at that time.

4. After hearing the respective Counsel we find that even today the Appellants can take out the Chamber Summons. The respective Counsel appearing for the Respondents (Defendants) assure this Court that they will file their reply within one week and the learned Single Judge can thereafter adjudicate the Chamber Summons.

5. As the matter is already expedited, it is apparent that the learned Single Judge will also keep said fact in mind and attempt to deal with the Chamber Summons expeditiously.

6. Hence, with such liberty to the Appellants (Plaintiffs) and keeping all their contentions open, we dispose of the present Appeal.

7. In view of disposal of Appeal No. 441 of 2018, Notice of Motion (Lodg.) No. 1040 of 2018 does not survive and is disposed of accordingly.

(Sarang Kotwal, J.)

(B.P. Dharmadhikari, J.)