

Atul

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
ORDINARY ORIGINAL CIVIL JURISDICTION
NOTICE OF MOTION NO. 1881 OF 2017
IN
SUIT NO. 2720 OF 2011
WITH
NOTICE OF MOTION NO. 2678 OF 2016**

Solar Readymades Pvt Ltd & Solar Sportswear ...Plaintiffs
Versus
Rajdeep Construction Pvt Ltd & Anr ...Defendants

Mr Prantik Majumdar, *with Rahul Theckedath, i/b MP Savla & Co.,
for the Plaintiffs & Applicant in NMS/2678/2016.*
Mr AS Palan, *i/b BR Oza & Co., for Defendant No. 1/Applicant in
NMS/1881/2017.*
Mr ML Palan, *with Devyani Wanjara, for Defendant No. 1.*
Mr Phiroze Colabawalla, *with Anamika, i/b HSA Advocates, for
Defendant No. 2 & Respondent No. 7.*

CORAM: G.S. PATEL, J
DATED: 11th December 2018

PC:-

NOTICE OF MOTION NO. 2678 OF 2016

1. After some arguments, Mr Majumdar, the learned Advocate for the Plaintiffs seeks leave to withdraw the Notice of Motion.

2. The Notice of Motion is dismissed as withdrawn. There will be no order as to costs.

NOTICE OF MOTION NO. 1881 OF 2017

3. By consent, the Notice of Motion is made absolute in terms of prayer clauses (a) and (c). Mr Palan, in fairness, does not press for the relief sought under Order VII Rule 11 of the Code of Civil Procedure 1908 since he most energetically presses that the suit be expedited.

4. As regards prayer clause (a) for withdrawal, this relates to all amounts lying and deposited and all interest accrued on any investments made by the office of the Prothonotary and Senior Master.

5. The Notice of Motion is disposed of in these terms. There will be no order as to costs.

6. By consent, the suit is taken up for framing issues. Issues are framed in a separate order.

(G. S. PATEL, J)