

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
ORDINARY AND ORIGINAL CIVIL JURISDICTION
SUIT NO.50 OF 2017
WITH
NOTICE OF MOTION NO.345 OF 2017
IN
SUIT NO.50 OF 2017**

Janak Mathuradas and Ors.Plaintiffs
Vs.
Union of India and Ors.Defendants

Ms. Gulnar Mestry a/w. Mr. Jitendra Jain and Mr. Laxman Jain I/b. Mr. Yogesh N. Adhia for plaintiffs.

Mr. B.B. Sharma for defendant nos.1 and 2.

Mr. Nirav Parmar I/b. K. Ashar and Company for defendant no.3 (SEBI).

Ms. A.A. Mujawar I/b. Economic Laws Practice for defendant nos.4 and 5.

Mr. Aditya Sikka a/w. Ms. Priyanka Mitra I/b. Cyril Amarchand Mangaldas for defendant no.6.

Mr. Zal Andhyarujina a/w. Mr. Prateek Sakseria, Mr. Nitesh Jain, Ms. Juhi Mathur and Mr. Atul Jain I/b. Shardul Amarchand Mangaldas for defendant no.7.

Mr. Shubham Agrahari a/w. Mr. Krishna Venkat, Ms. Jahnavi Agrawal I/b. Anoma Law Group LLP for defendant no.8.

**CORAM : K.R.SHRIRAM, J.
DATE : 7th DECEMBER 2018**

P.C.:

1 All defendants are present before the Court and counsel waive service of the writ of summons.

2 Therefore, the following directions are passed :

(a) defendants shall file written statement and serve a copy thereof upon plaintiffs by 9th January 2019, failing which the suit may be decreed ex-parte against that defendant;

(b) parties to file their respective affidavit of documents and serve a copy thereof upon the other side on or before 12th January 2019, failing which parties will not be permitted to rely on any document, copy whereof is not annexed to the plaint and/or written statement or mentioned in the list of documents annexed to the plaint and/or written statement;

(c) inspection to be given and statement of admission and denial with reasons for denial to be exchanged by 26th January 2019. If the statement of admission and denial is not given, parties shall be deemed to have admitted the existence of all the documents of the other side. If inspection is not given, such party will not be permitted to rely on any document.

3 Suit be listed for issues on 30th January 2019 on which date parties shall come with agreed draft issues and a separate list of issues on which they are unable to agree. On the next date, if parties do not come with draft issues, they are put to notice that parties will be put to terms.

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1 The counsel state that the order passed on 16th December 2016, particularly paragraph 2 therein, be confirmed as an order in the notice of motion and notice of motion be disposed.

2 Therefore, the order dated 16th December 2016 is confirmed as order in the notice of motion and notice of motion stands disposed. It is clarified that until the hearing and final disposal of the suit, one seat among the directors permissible under the Articles of Association of defendant nos.4,5 and 6 will remain unfilled.

(K.R. SHRIRAM, J.)