

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

**NOTICE OF MOTION NO.1362 OF 2017  
IN  
SUIT NO.417 OF 2017**

|                     |                 |
|---------------------|-----------------|
| Ravindra K.Modgekar | )....Plaintiff  |
| V/s.                |                 |
| Sunil R.Shah & Anr. | )....Defendants |

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Mr.Suneet Moholkar for plaintiff.  
Mr.Mani Thevar I/by Mahesh Menon & Co. for defendant no.2.

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**CORAM : K.R.SHRIRAM,J  
DATE : 9.1.2019**

**P.C.:-**

**NOTICE OF MOTION NO.1362 OF 2017**

1. Defendant no.1 is not present.
  
2. Plaintiff and defendant no.2 state that the order dated 17.4.2017 at the ad-interim stage recorded that defendant no.2 made a statement that defendant no.2 will maintain status-quo as regards 6<sup>th</sup> floor of the subject project. Counsel for defendant no.2 states that the statement be continued until the hearing and final disposal of the suit subject to the clarification recorded in paragraph-2 of the said order and the Notice of Motion could be disposed.

Counsel for plaintiff has no objection.

3. In the circumstances, the order dated 17.4.2017 is confirmed as order in this Notice of Motion. Notice of Motion stands disposed accordingly.

**SUIT NO.417 OF 2017**

1. On 17.4.2017 defendant no.1 was present in court and separate writ of summons need not be served on defendant no.1. Mr.Moholkar for plaintiff states that in any event, writ of summons has been served on defendant no.1 and he will file affidavit of service during the course of this week.

2. Stand over to 16.1.2019 for issues on which both the parties shall come with the agreed draft issues and a separate list of issues on which they are unable to agree.

**(K.R.SHRIRAM,J)**