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IN THE HIGH COURT OF JUDICATURE AT BOMBAY

ORDINARY ORIGINAL CIVIL JURISDICTION

IN ITS GENERAL & INHERENT JURISDICTION

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NOTICE OF MOTION No. 346 OF 2014
IN
SUIT No. 649 OF 2013.

M/s Sun Developers ..Applicant.

In the matter between :-

M/s Sun Developers ..Plaintiff.

Vs

M/s Midas Developers Pvt. Ltd. & Anr ..Defendants.

Mr. Chirag Balsara a/with Ms. Gargi Bhagwat i/by Divekar Bhagwat & Co. for the plaintiff.

Mr. A.M. Saraogi for defendant No.1/Applicant in Notice of Motion No. 346/2014.

Dr. Birendra Saraf a/with Mr. Rohan Sawant a/with Deepak Singh i/ by Solicis Lex for defendant No.2.

Mr. Edwyn J. D'Mello, Director of MIDAS Developer, defendant No.1 present.

CORAM : B. P. COLABAWALLA, J.
DATED :- 18th September, 2019.

P.C. :-

1. After this Notice of Motion was argued for sometime, with the consent of parties the following order is passed:-

2. Without prejudice to the rights and contentions of all parties to the present proceedings as well as without prejudice to any proceedings pending inter se between them, in the event defendant No.1 is found entitled to any profits/share for adjustment of claims of defendant No.2 against defendant No.1, pending the hearing and final disposal of the present suit, defendant No.2 shall not part with any amount of the aforesaid profits/share to defendant No.1. This is obviously subject to further orders that may be passed by the Court either in these proceedings or any other proceedings pending inter se between the parties. In the event, any decree or order is passed in favour of defendant No.1 and against defendant No.2 in the proceedings pending inter se between them (Suit No. 189/2017), an intimation of the same shall be given to the plaintiff herein within a period of one week from the date of passing of the decree or order, as the case may be.

3. The Director of defendant No.1 Mr. Edwyn J. D'Mello is present in Court and on whose instructions Mr Saraogi has

consented to the above order.

4. The Notice of Motion is disposed of accordingly. No order as to costs.

(B.P. COLABAWALLA, J.)