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IN THE HIGH COURT OF JUDICATURE AT BOMBAY
ORDINARY ORIGINAL CIVIL JURISDICTION
NOTICE OF MOTION NO. 902 OF 2017
IN
SUIT NO. 187 OF 1993

Sheela Ram Vidhani & Anr	...Plaintiffs
<i>Versus</i>	
SK Trading Co & Ors	...Defendants

Ms Sonal, *with Shruti Maniar & Spardha Sharma, i/b Solomon & Co., for the Plaintiffs/Applicants.*
Mr Sharan Jagtiani, *with Bhairavi Pathak, i/b IR Joshi & Co., for Defendants Nos. 2A to 2C.*
Mr Aditya Mehta, *i/b Wadia Ghandy & Co., for Defendants Nos. 4 to 6.*

CORAM: G.S. PATEL, J
DATED: 11th March 2019

PC:-

1. This is the Plaintiffs' Notice of Motion for Receiver and injunction. There is an Affidavit in Reply of Defendant No. 2A. I find that he has affixed his thumb impression on this Affidavit. I am told that this is because of medical condition. I accept that reason.

2. Ms Sonal is correct in pointing out that in paragraph 21 of the Affidavit Defendant No. 2A has said that the Defendants have no desire to sell or dispose of the property. This will obviously be a

reference to Defendants Nos. 1 to 3 alone. Defendant No. 2A, Sunil Mehra has also denied that these Defendants seek to create third party rights. In paragraph 23, he goes on to confirm that the Defendants have not in fact created any third party rights and that the Plaintiffs' apprehension in that regard are, therefore, unwarranted. In paragraph 24, Sunil Mehra accepts that the Plaintiffs' public notice is a sufficient safeguard. Finally, in paragraph 25 he makes a categorical statement that there is no question of these Defendants Nos. 1 to 3 creating any third party rights whatsoever.

3. For the purposes of this Notice of Motion, these statements are sufficient, and they are accepted as undertakings to the Court in the form in which they are stated. These statements are to continue as an interim order pending the final disposal of the suit.

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

5. The Affidavit in Rejoinder is to be filed in the Registry.

(G. S. PATEL, J)