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**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
O.O.C.J.**

**NOTICE OF MOTION NO. 999 OF 2014
IN
SUIT NO. 308 OF 2014**

Friends Properties Pvt. Ltd.	...Applicant
In the matter between	
M/s Sonal Development Corporation & Ors.	...Plaintiffs.
Vs.	
Friends Properties Pvt. Ltd. & Ors.	...Defendants.
vs	
Mr Nagin Tribhuvandas Shah	...Respondent.

.....
Mr R.D.Soni a/w Vaibhav Charalwar & M.S.Shah I/b Shantilal & Co.
for the Plaintiffs

Mr Mayur Khandeparkar a/w Umesh Tawari , Hetal Vithlani & Kunal
Kamath I/b Ms Trishla Yelve for the Applicant / Defendant No.1.

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**CORAM : B.P.COLABAWALLA, J.
FEBRUARY 05, 2019.**

P.C. :

This Motion has been filed by the first Defendant asking this Court to frame a preliminary issue regarding maintainability of the suit. A prayer is also made for fixing an early date of hearing as well as an order for prosecution against the Plaintiffs under Sections 199, 205 and or any other applicable provisions of the Indian Penal Code.

2 In the present case, no issue under Section 9A of the Code of Civil Procedure, 1908 has been framed. In these circumstances, as far as prayer clause (a) is concerned this Motion will not survive. As far as prayer clauses (b) and (c) are concerned the first Defendant is at liberty to take out a fresh Motion seeking the aforesaid prayers. The Notice of Motion is accordingly disposed of. No order as to costs.

(B.P.COLABAWALLA, J.)