

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
ORDINARY AND ORIGINAL CIVIL JURISDICTION
IN ITS COMMERCIAL DIVISION
COMMERCIAL NOTICE OF MOTION NO.616 OF 2017
IN
COMMERCIAL SUIT NO.692 OF 2017**

Mukesh Patel and Ors.Applicants/Plaintiffs
Vs.
Rajesh Madhani and Ors.Defendants

Mr. Onkar Chandurkar a/w. Ms. Hima Khuman I/b. Mr. M.V. Raut for applicants/plaintiffs.
Mr. Soura Ghosh a/w. Ms. Kalpana Desai and Ms. Deeksha Jani I/b. Hariani and Company for defendants.

**CORAM : K.R.SHRIRAM, J.
DATE : 5th MARCH 2019**

P.C.:

1 Paragraphs 2, 3 and 4 of the order dated 4th December 2017
read as under :

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2. A perusal of the record prima facie indicates that several legal proceedings are filed by and between the parties during the period between 2014 and 2017.

3. The National Company Law Tribunal has already granted interim relief against the defendant no.5 which in my view would protect the alleged interest of the plaintiff at this stage.

4. No case is thus made out for grant of any further ad-interim relief in this notice of motion.

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2 Mr. Chandurkar states that the protection of NCLT still continues and further security has to be granted. At the same time, I have to also note that this is a commercial suit in which pleadings are also completed. Mr. Chandurkar is also seeking an adjournment because the

counsel is not available.

3 Therefore, notice of motion accordingly disposed in terms of order dated 4th December 2017 with liberty to plaintiffs to approach this Court should they feel that defendants are trying to defeat the claim and right of plaintiffs.

4 On or before 22nd March 2019 parties shall give inspection of documents relied upon by each other. If inspection is not given, such party will not be permitted to rely on any document. This will not, however, prevent a party from confronting a witness of another party with any document. On or before 30th March 2019 statement of admission and denial with reasons for denial to be exchanged. 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.

5 Suit be listed for issues on 3rd April 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.

(K.R. SHRIRAM, J.)