

Atul

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
ORDINARY ORIGINAL CIVIL JURISDICTION
NOTICE OF MOTION NO. 2129 OF 2018
IN
SUIT NO. 3598 OF 1996

Harish Loyalka & Anr	...Plaintiffs
<i>Versus</i>	
Dileep Nevatia & Ors	...Defendants

Ms Neeta Jain, *with Avinash Joshi & Kunal Kripalani, i/b Mulla & Mulla CB & C, for the Plaintiffs.*

Mr Dileep Nevatia, *Defendant No. 1 in Suit & Plaintiff No. 1 in Counter Claim, in person/Applicant.*

Ms Preeti Shah, *for Defendant No. 4.*

Ms Pallavi Bali, *with Anju Singh, i/b Bali Associates, for Defendant No. 5.*

CORAM: G.S. PATEL, J
DATED: 26th February 2019

PC:-

1. Heard. Mr Nevatia agrees that he is only pressing prayer clause (a) of this Notice of Motion. It seeks in an application filed in 2018 and coming up in February 2019 that an injunction order dated 29th June 1998 be vacated. The reason given is that the Plaintiff who obtained that order of 1998 in her Suit of 1996 died in 2011. But that explains nothing.

2. These dates serve more or less on their own to dismiss the Notice of Motion. I see no reason whatsoever why an order that has held the field from 1998 and without protest from Mr Nevatia until at least 2018 should be varied let alone vacated. Ms Jain points out that this order was challenged all the way to the Supreme Court but without success. That is even further reason to decline relief in the Notice of Motion.

3. The Notice of Motion is dismissed. There will be no order as to costs.

(G. S. PATEL, J)