

IN THE HIGH COURT OF JUDICATURE AT BOMBAY

ORDINARY ORIGINAL CIVIL JURISDICTION

NOTICE OF MOTION NO. 160 OF 2016

IN

SUIT NO. 1479 OF 2007

Suresh Mohanlal Goradia ...Applicant

In the matter between

Suresh Mohanlal Goradia ...Plaintiff

Versus

M/s. Shah Construction Company & anr. ...Defendants

Ms. Gauri S. Joshi, i/b S. K. Legal Associates LLP, for the
Applicant.

Ms. Pinky Sharma, i/b V & M Legal, for Defendant no.1.

Ms. Urvi Shah, i/b I. R. Joshi & Co., for Defendant no.2.

CORAM: N. J. JAMADAR, J.

DATED : 4th NOVEMBER, 2019

PC:-

1. Ms. Joshi, the learned Counsel for the applicant – plaintiff no.1 submits that plaintiff Suresh Mohanlal Boradia, has died on 16th April, 2019. A copy of the death certificate of plaintiff Suresh Mohanlal Boradia is tendered. The same is taken on record and marked 'X' for identification.

2. This notice of motion was instituted with a prayer of expedite hearing of the suit on the ground that the plaintiff is 74 years old senior citizen.

3. In view of the developments, in the intervening period, the notice of motion does not survive for consideration on the

ground of advanced age of the plaintiff. Hence, the notice of motion stands disposed of as having been rendered infructuous.

4. Ms. Joshi, the learned Counsel for the applicant submitted that one of the legal heirs of the deceased Suresh Goradia is a senior citizen. In the event, the legal representatives of the deceased plaintiff are brought on record and the situation so warrants, the impleaded legal representatives may take out appropriate notice of motion.

[N. J. JAMADAR, J.]