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IN THE HIGH COURT OF JUDICATURE AT BOMBAY
ORDINARY ORIGINAL CIVIL JURISDICTION

NOTICE OF MOTION NO.2508 OF 2018
IN
SUIT NO.96 OF 2011

WITH
SUIT NO.96 OF 2011

Sanjay Maheshwari & Ors.

...Applicants

IN THE MATTER BETWEEN :

Sanjay Maheshwari & Ors.

...Plaintiffs

V/s.

Shyam R. Jaisingh & Ors.

...Defendants

Mr.M.M. Vashi, Senior Counsel with Ms.Prachi Khandge I/b M.P. Vashi & Associates for the Applicants / Plaintiffs.

Mr.Samit Shukla with Ms.Raveena Dhawan I/b DSK Legal for the Defendant Nos.1 and 2.

Mr.K.H. Giri with Ms.Geeta Tripathi for the Defendant Nos.3 to 5.

CORAM : R.D. DHANUKA, J.

DATE : 5TH MARCH, 2019.

P.C. :-

1. After arguing the matter for some time, Mr.Vashi, learned senior counsel appearing for the applicants (original plaintiffs) on instructions seeks liberty to withdraw this notice of motion unconditionally.

2. The notice of motion is dismissed as withdrawn. There

shall be no order as to costs.

3. Mr.Vashi, learned senior counsel for the plaintiffs states that the plaintiffs seek to lead evidence of the plaintiff no.2 and few more witnesses. A list of such witnesses would be furnished to the defendants' advocate along with affidavit in lieu of examination in chief of the plaintiff no.2 within one week from today. The statement is accepted. The plaintiffs shall also file compilation of documents. The defendants are directed to file statement of admissions and denial in respect of such documents within one week from the date of service of the compilation of documents and would serve a copy thereof upon the plaintiffs' advocate simultaneously.

4. Place the suit on board for marking of documents insofar as the evidence of the plaintiff no.2 is concerned on 22nd March, 2019.

5. Since the affidavit in lieu of examination in chief of the plaintiff no.2 is notarized, the same cannot be accepted. Since the witness is present in Court, her signature can be attested before learned Associate of this Court.

(R.D. DHANUKA, J.)