

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
ORDINARY ORIGINAL CIVIL JURISDICTION
NOTICE OF MOTION NO.522 OF 2019
IN
SUIT NO.217 OF 2019**

Prajakta Raj Barot Nee DhumalApplicant/Plaintiff

V/s.

Bhavesh Himmatlal Barot and Ors.Defendants

Mr. Vivek Kantawala a/w. Mr. Amey Patil, Mr. Vivek Sharma, Mr. Shanay Bafna, Ms. Hetal Jobanputra, Mr. Arpit Solanki and Mr. Siddharth Bafna i/b. M/s. Vivek Kantwala and Company for applicant/plaintiff.
Mr. Prashant Pandit for defendant.

CORAM : K.R.SHRIRAM, J.

DATED : 12th OCTOBER 2020

P.C. :

1 The relief in terms of prayer clauses – (a) and (b) has already been granted by His Lordship Mr. Justice G.S. Patel in the order dated 11th March 2020. As regards prayer clause – (c) is concerned, that is the subject matter of the suit itself. Therefore, cannot be granted at this point of time. In the affidavit in reply filed, disclosure is given only for about Rs.3,78,95,000/- whereas the amount received by defendant no.1, as it appears from the statement filed by defendant no.1, is in excess of Rs.4,04,00,000/-.

2 Defendant no.1 shall file further affidavit explaining where the differential amount is. This affidavit shall be filed with proof and copy served within one week from today.

3 In the circumstances, notice of motion stands disposed.

4 It is made clear that the amount has been invested by defendant no.1 in various mutual funds etc. Defendant no.1 has invested it at his discretion and if there is a loss, the loss will have to be borne by defendant no.1 solely.

5 Written statement is also filed by all defendants. Therefore, parties to file their respective affidavit of documents and serve a copy thereof upon the other side within two weeks from today, failing which parties will not be permitted to rely on such document, copy whereof is not annexed to the plaint and/or written statement and mentioned in the list of documents annexed to the plaint and/or written statement.

Inspection to be given and statement of admission and denial with reasons for denial to be exchanged within two weeks thereafter. 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. If inspection is not given, such party will not be permitted to rely on any document.

6 Suit be listed for framing of issues on 27th November 2020 on which date parties shall come with agreed draft issues and a separate list of issues on which they are unable to agree.

Gauri A.
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by Gauri A.
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(K.R. SHRIRAM, J.)