

30th October, 2017.

2 Today, when the matter is called out, the submission of Mr. Tamboli, the learned advocate appearing on behalf of the applicant/ plaintiff is that, the applicant/ plaintiff wants to amend the plaint so as to delete all the amendments that were granted earlier vide this Court's order dated 30th October, 2017. In other words, Mr. Tamboli submitted that the amendments that are now sought to be carried out would restore the suit back to its original position before the amendments granted by this Court vide its order dated 30th October, 2017.

3 The learned advocate appearing on behalf of defendant Nos.1,2 and 6 as well as defendant Nos.4 and 5 have fairly stated before me that they have no objection if the suit is restored to its original position prior to the amendments that were granted by the order dated 30th October, 2017.

4. In view of the aforesaid consensus, the applicant/ plaintiff is allowed to amend the plaint, Notice of Motion No. 718 of 2017 and Summons for Judgment No.23 of 2017 by deleting all amendments that were granted by this Court vide its order dated 30th October,

2017. The amendments shall be carried out within a period of one week from today and the amended copy of the plaint, Summons for Judgment No.23 of 2017 and Notice of Motion No. 718 of 2017 shall be served on the advocates for the remaining defendants within a period of one week thereafter.

5. In view of deletion of the amendments granted earlier (vide order dated 30/10/2017), Mr. Tamboli has fairly stated that the restraint order dated 7th March, 2017 (S.J.Kathawalla, J.) against the children of defendant No.2 would not continue to operate as they have now been dropped as party defendants in the suit. Considering the stand taken by the applicant/ plaintiff, it is made clear that the restraint order against the children of defendant No.2 in relation to the gift deed dated 14th May, 2015 shall not continue to operate any further.

6. The Chamber Summons is accordingly disposed of in the aforesaid terms. No order as to costs.

7. Defendant Nos.1,2 and 3 are directed to file their affidavit in reply, if any, to the above above Summons for Judgment and Notice of Motion No.718 of 2017 on or before 3rd April, 2020 and a

copy of the same shall be served on the advocates for the plaintiff.

8 Place the Summons for Judgment and Notice of Motion
No. 718 of 2017 for hearing on 9th April, 2020.

(B. P. COLABAWALLA, J.)