



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

SUIT NO.924 OF 2001
WITH
NOTICE OF MOTION NO.2699 OF 2007
WITH
CHAMBER SUMMONS NO.48 OF 2015
WITH
CHAMBER SUMMONS NO.906 OF 2015
WITH
CHAMBER SUMMONS NO.794 OF 2017
WITH
NOTICE OF MOTION NO.262 OF 2015
WITH
CRE NO.924 OF 2001
WITH
SUIT NO.924 OF 2001

Anil K. Bodani and Anr.Plaintiffs

Vs.

Manju Meadows Pvt. Ltd. & Ors.Defendants

Mr. Mahesh Jetmalani, senior advocate a/w. Mr. Rahul Moghe, Ms. Deepti Panda and Mr. Suraj Kaushik i/b. M/s. Negandhi Shah and Himayatullah for plaintiffs.

Mr. Vibhav Krishna a/w. Mr. Devang Lakhota i/b. MKS Legal for defendant no.2.

Mr. Ashwin Mehta, defendant no.8 and director of defendant no.1 and 11 present in person.

CORAM : K.R.SHRIRAM, J.

DATE : 11th AUGUST, 2017

PC.:

1 Mr. Vibhav Krishna, counsel for applicant in chamber summons no.48 of 2015 states that the chamber summons has become infructuous and accordingly be disposed.



2 Therefore, the chamber summons no.48 of 2015 stands disposed.

3 Mr. Jetmalani, senior counsel for plaintiffs states that the evidence in the suit is completed and the suit is ripe for arguments. At the same time, Mr. Jetmalani states that there is a chamber summons no.794 of 2017 which has been taken out by present defendant nos.16 and 20 to be transposed as plaintiffs because the only surviving plaintiff also has expired. Mr. Jetmalani states that applicants are the sons of original plaintiff and there is one sister who has indicated that she is not interested in joining in this litigation. Mr. Jetmalani states that they will file a short affidavit from the sister confirming the same.

4 Mr. Krishna, counsel for defendant no.2 states that if such an affidavit is filed, he will have no objection for grant of prayer clause – (a) but has objection for grant of prayer clause – (b) and wishes to file affidavit in reply.

5 Plaintiff died on 14th July, 2017. Mr. Jetmalani states that the agency was being run by plaintiff with the assistance of certain efficient staff. The same staff has been taking care from the time of death of plaintiff until today and the same staff be permitted to take care of the interest of property.



6 In my view, it is a fair suggestion. Mr. Vibhav Krishna states that the agency itself came to an end in December, 2016. That is the point which needs to be considered independently. For the moment, until the hearing and final disposal of chamber summons no.794 of 2017, the arrangement continuing as on date will continue.

7 Mr. Jetmalani, on instructions states that applicants in chamber summons no.794 of 2017 will honour all the undertakings given by plaintiffs to the Court Receiver.

8 Affidavit in reply to be filed and copy served within two weeks. Rejoinder, if any to be filed and copy served within two weeks thereafter.

9 Chamber summons no.794 of 2017 to be listed for hearing on 12th September, 2017.

10 Suit be listed for arguments on 21st September, 2017.

(K.R. SHRIRAM, J.)