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IN THE HIGH COURT OF JUDICATURE AT BOMBAY
ORDINARY ORIGINAL CIVIL JURISDICTION
INTERIM APPLICATION (L) NO.2557 OF 2023
IN
SUIT NO.68 OF 2016

Naraindas Parmanand Trust

...Applicant /
Ori. Defendant
No.6

Versus

M/s. Aakar Enterprises & Ors.

...Defendants

Mr. Vyom Shah with Mr. Jesse Cornelious i/b. Lexicon Law Partners
for the Plaintiff.

Mr. Vijay Kurle with Samkit Shah for the Applicant / Defendant No.6.

CORAM : R.I. CHAGLA J.
DATE : 20 MARCH 2023.

ORDER :

1. Mr. Kurle, the learned Counsel for the Applicant / Defendant No.6 has sought liberty to take out a fresh Interim Application seeking setting aside of the order dated 22nd June, 2017 passed by the Prothonotary and Senior Master by which the Suit was transferred against Defendant Nos.1 to 6 to the category of undefended Suits. This Interim Application for which liberty sought is necessary to be heard first, upon being filed, prior to the above Interim Application which is for transposition of Applicant – Original

Defendant No.6 as Plaintiff in the Suit.

2. It is necessary to note that by separate order bearing today's date, the order of the Prothonotary and Senior Master dated 22nd June, 2017 has been set aside in so far as Defendant Nos.1 to 5 are concerned. This will be taken note of in considering the fresh Interim Application to be filed by the Defendant No.6.

3. Accordingly, liberty is granted to Defendant No.6 to file Interim Application which, if filed, shall be listed on 31st March, 2023.

4. At this stage, learned Counsel appearing for the Plaintiff has tendered Affidavit in reply dated 11th March, 2023 to the present Interim Application (L) No.2557 of 2023 filed by the Applicant – Original Defendant No.6. The said Affidavit in Reply dated 11th March, 2023 is taken on record.

[R.I. CHAGLA J.]