

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY  
ORDINARY ORIGINAL CIVIL JURISDICTION  
NOTICE OF MOTION NO. 479 OF 2016**

**IN**

**SUIT NO. 1418 OF 2012**

Kamal Sheth and Anr. ... Applicants / Plaintiffs

Versus

Hari Ramnani and Ors. ... Defendants

Mr. Ashish Kamat a/w. Mr. Kunal Mehta, Ms. M. Mohanthy i/b. M/s. S.K. Srivastav and Company for the Applicants / Plaintiffs.

Mr. C.M. Korde, Sr. Adv. i/b. Nappinai and Company for Defendant Nos. 1 to 6.

**CORAM : S.J. KATHAWALLA, J.**  
**DATED : 1<sup>ST</sup> MARCH, 2016**

**P.C.**

1. On 13<sup>th</sup> October, 2014 this Court (Coram : S.C. Gupte, J.) in the above Suit passed the following order :

*“Learned Counsel for the parties agree to seek adjournments in their pending matters, namely, Suit No.3301 of 2007, Suit No.2547 of 2010 and Suit No.588 of 2013 before this Court and the arbitration proceedings before Mrs. Justice Sujata Manohar (Retired), as and when they reach, till these Motions are heard.*

*2 Learned Counsel for the Defendants also states that the Defendants will not revoke the authority given to Plaintiff No.1 by resolution dated 1 February 2013 which is Exh A-1 to the plaint until further orders. Place these Motions for hearing on 12 November 2014. Plaintiffs are permitted to file their written submissions before the next date.”*

2. However, on 28<sup>th</sup> October, 2015 when Suit No. 2547 of 2010 along with

Judge's Order No. 224 of 2010 reached hearing before this Court (Coram : K.R. Shriram, J.), the order passed by this Court dated 13<sup>th</sup> October, 2014 remained to be pointed out to the learned Judge. In view thereof, the learned Judge proceeded with the Suit No. 2547 of 2010 after framing issues in the said Suit also gave certain directions including transferring the Suit against Defendant Nos. 5,7, 10, 11, 12, 13 and 15 to the list of undefended Suits. If the order passed by this Court dated 13<sup>th</sup> October, 2014 would have been pointed out to the learned Judge, the learned Judge surely would have simplicitor adjourned the matter and not proceeded with the framing of issues and / or given any directions. In view thereof, the parties shall after obtaining permission of the Hon'ble Chief Justice, move Justice Mr. K.R. Shriram and seek necessary orders.

3. Place the above Notice of Motion along with Notice of Motion No. 1481 of 2012 and Notice of Motion No. 213 of 2013 for hearing and final disposal on 28<sup>th</sup> March, 2016.

( S.J.KATHAWALLA, J. )