

Atul

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
ORDINARY ORIGINAL CIVIL JURISDICTION
SUIT NO. 2698 OF 2002**

Ram Prakash Anand	...Plaintiff
<i>Versus</i>	
Deviner Devraj Ghai	...Defendant

Mr Anosh S, with Ms Mansi Shah, i/b Pravin Mehta & Mithi & Company, for the Plaintiff.
Mr DV Deokar, with Mr P Modi, i/b M/s Parimal K Shroff & Company, for the Defendant.

CORAM: G.S. PATEL, J
DATED: 30th January 2019

PC:-

1. The cross-examination of the two witnesses on behalf of the Plaintiff is complete. The Plaintiff's Advocates are taking instructions as to whether there are any further witnesses and request time for this purpose.

2. List the matter for directions on 6th February 2019.

3. In the meantime, there is as yet pending a Notice of Motion No. 664 of 2015 filed by the counter-claimant (original Defendant) in Counter Claim No. 1 of 2009. The order on that Notice of Motion, making it absolute on 25th June 2015, was set aside in

appeal on 14th December 2015. The Notice of Motion was remanded for hearing *de novo*. However, the last sentence of the Appellate Order indicates that until the disposal of the Notice of Motion the impugned order dated 25th June 2015 will continue. That Notice of Motion, in any case, was to be heard within eight weeks. More than three years have passed. I will have to place the Notice of Motion peremptorily for hearing and final disposal. No further Affidavits are to be filed.

4. List the Notice of Motion for hearing and final disposal on 6th February 2019 high on board.

(G. S. PATEL, J)