

ATUL

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
ORDINARY ORIGINAL CIVIL JURISDICTION
NOTICE OF MOTION NO. 1857 OF 2016
IN
SUIT NO.624 OF 2016

Dhirubhai Alias Dhirajlal H. Desai & 2 Others ...Plaintiffs
Versus
Lataben Abuwalla & 13 Others ...Defendants

Mr. D.D. Madon, Senior Advocate, with Ms. Bindi Dave, Ms. Nikita Bhansali, i/b Wadia Ghandy & Co., for the Plaintiffs.
Ms. F.J. Thakkar, i/b Doijode Associates, for Defendants Nos. 6 & 7.
Mr. R.S. Bidkar, with Mr. Satchit Bhogle, i/b M/s. Hariani & Co., for Defendants Nos. 1, 5 and 9.
Mr. Anirudh Hariani, with Mr. Bhojraj Baral, i/b Mr. Kalpesh Joshi, for Defendants Nos. 2 and 10.

CORAM: G.S. PATEL, J
DATED: 30th August 2016

PC:-

1. In this matter, I dictated an order in open Court on 26th August 2016. At that time, none had raised before me the question of maintainability of the Suit. While correcting the order, it occurred to me on an examination of prayer clause (a) that this question may arise and it may conceivably affect any order that can be passed even by consent. I have not signed that order and I have had the matter placed today for directions.

2. I have indicated my questions to the counsel for the appearing parties and asked them to consider the issue. For the time being, therefore, by consent the previous order dictated on 26th August 2016 will be held back till I hear the parties further on the question of maintainability.
3. List the matter on the supplementary board on 2nd September 2016 for orders.
4. The previous ad-interim order will, of course, continue till 2nd September 2016.

(G. S. PATEL, J.)