

Ashwini

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
ORDINARY ORIGINAL CIVIL JURISDICTION
SUIT NO. 1978 OF 2011**

Sohail Ismail Haji Noor Mohammed & Anr ...Plaintiffs
Versus
Mohammed Ismail Haji Noor Mohammad & Ors ...Defendants

**WITH
APPEAL NO. 116 OF 2020
IN
SUIT NO. 1978 OF 2011**

Phoenix ARC Pvt Ltd ...Plaintiffs
Versus
Sohail Ismail Haji Noor Mohammed & Ors ...Defendants

**WITH
APPEAL NO. 96 OF 2020
IN
SUIT NO. 1978 OF 2011**

Sajid Ismail Haji Noor Mohammad ...Plaintiffs
Versus
Sohail Ismail Haji Noor Mohammed alias Suhail ...Defendants
Ismail Furniturewala & Ors

**WITH
INTERIM APPLICATION NO. 2611 OF 2020**

IN

SUIT NO. 1978 OF 2011

Sajid Ismail Haji Noor Mohammad ...Plaintiffs

Versus

Sohail Ismail Haji Noor Mohammed & Ors ...Defendants

WITH

PERJURY PETITION (L) NO. 7951 OF 2020

IN

SUIT NO. 1978 OF 2011

Sajid Ismail Haji Noor Mohammad ...Plaintiffs

Versus

Sohail Ismail Haji Noor Mohammed & Ors ...Defendants

WITH

INTERIM APPLICATION NO. 1069 OF 2019

IN

SUIT NO. 1978 OF 2011

Sohail Ismail Haji Noor Mohammed & Anr ...Plaintiffs

Versus

Mohd Ismail Haji Noor Mohd & Ors ...Defendants

WITH

LEAVE PETITION NO. 460 OF 2011

IN

SUIT NO. 1978 OF 2011

Sohail Ismail Haji Noor Mohammed & Anr ...Plaintiffs
Versus
Mohd Ismail Haji Noor Mohd & Ors ...Defendants

WITH
NOTICE OF MOTION NO. 2176 OF 2018
IN
SUIT NO. 1978 OF 2011

Sohail Ismail Haji Noor Mohammed & Anr ...Plaintiffs
Versus
Mohd Ismail Haji Noor Mohd & Ors ...Defendants

Mr Ashish Gatagat, *for Plaintiff No. 1 & 2 in all matters.*
Mr Sharan Jagtiani, **Senior Advocate**, *with Mutahhar Khan, i/b
Rajesh Omprakash Gupta, for Respondent No.2 and Applicant in
IA/1069/2019.*
Mr Pradeep Bakhru, *i/b Wadia Ghandy & Co, for Defendant No.4 in
IA/1069/2019.*

CORAM: G.S. PATEL, J
DATED: 8th March 2021

PC:-

1. The Interim Application filed by Defendant No. 2 is to be heard soon in view of certain directions of the Appeal Court. It seeks a variation or a modification of two previous orders of 27th February 2013 and 22nd August 2013.
2. The pleadings in the Interim Application are not yet complete. An Affidavit in Reply of the Plaintiffs is ready. It will be

filed in the Registry in the course of the day. The Affidavit in Rejoinder, if any, is to be filed and served on or before 15th March 2021.

3. The two previous orders were partly directed against Defendant No. 4, Crossword Bookstores Ltd, an outsider to the family disputes. Crossword was occupying certain premises in the building in question, called Noor Mahal, on the ground and 1st floor as a licensee. It surrendered the possession of the premises and the license ended in October 2019. Both sides agree that Crossword Bookstores Ltd may now be deleted as a party Defendant No. 4 to the Suit. The Plaintiffs will carry out necessary amendments without need of reverification in the course of the week.

4. List these and all connected matters on 22nd March 2021 for final hearing.

5. This order will be digitally signed by the Private Secretary of this Court. All concerned will act on production of a digitally signed copy of this order.

(G. S. PATEL, J)