

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
ORDINARY ORIGINAL CIVIL JURISDICTION**

**NOTICE OF MOTION NO. 2340 OF 2018
IN
SUIT NO. 2539 OF 2009**

Nadeem M. Oomerbhoy

...Plaintiff

Versus

Rashid Sattar Oomerbhoy
(since deceased) & Ors.

...Defendants

Ms.Kirti Munshi a/w. Mr. Z.A. Jariwala, Mr. Ganesh Ambekar i/b. Thakore Jariwala & Associates for applicant/plaintiff in NMS/2340/2018 in S/2539/2009.

Mr.Kalpesh Joshi a/w.Mr.Sayed i/b Kalpesh Joshi for defendant Nos.1(a) and 1(b) in NMS/2340/2018 in S/2539/2009.

Mr. Rahul Singh a/w. Ms.Pranali Raut for defendant nos.2, 3, 4 in NMS/2340/2018 in S/2539/2009.

Mr.Rohan Savant i/b A.A. Maniyar for defendant Nos.4(b) for defendant No.5 in NMS/2340/2018 in S/2539/2009.

Mr. Rahul Singh a/w. Ms.Pranali Raut for defendant nos.2, 3, 4(a).

Ms. Uma Palsuledesai, AGP for respondent Nos. 4 to 8-Orig. defendant Nos. 13 to 17 in NMS/2340/2018 in S/2539/2009.

Ms.Rujuta Patil a/w. Ms.Niyathi Kalra, Ms.Sonu i/b. Negandhi, Shah & Himatullah for defendant nos. 10 and 11 in NMS/2340/2018 in S/2539/2009.

OSD from Court Receiver's office present.

CORAM : N.J. JAMADAR, J.

DATE : 26TH FEBRUARY 2020

P.C.

NOTICE OF MOTION NO. 2340 OF 2018

1. Heard the learned counsels for the parties.
2. The learned counsel for the defendant No.5 has tendered an affidavit in reply in opposition to this notice of motion.
3. The affidavit in reply is taken on record.
4. The learned counsel for the applicant-original plaintiff seeks time to file an affidavit in rejoinder to the reply filed on behalf of defendant No.5, copy of which is served on the applicant.
5. The applicant/original plaintiff has tendered a rejoinder to the affidavit in reply filed on behalf of defendant Nos.1(a) and 1(b). The same is taken on record.
6. The learned counsel for the applicant has tendered an affidavit in rejoinder to the affidavit in reply filed by defendant Nos.2, 3 and 4(a). The affidavit in rejoinder is taken on record.
7. The learned counsel for defendant Nos.2, 3 and 4 submits that in the aforesaid rejoinder, the applicant/original plaintiff has made certain allegations against defendant Nos.2, 3 and 4(a) which are required to be dealt with by defendant Nos.2, 3 and 4(a).

8. The defendant Nos.2, 3 and 4a are at liberty to file reply dealing with the alleged allegations in the affidavit in rejoinder.

9. The learned counsel for the defendant No.4(b) has tendered an affidavit in reply. The affidavit in reply on behalf of defendant No.4(b) in opposition to the notice of motion is taken on record.

10. The learned counsel for the applicant seeks time to file affidavit in rejoinder to the reply filed on behalf of defendant No.4(b) tendered in Court today. Rejoinder to be filed within two weeks.

11. Stand over to 26th March 2020.

[N.J. JAMADAR, J.]