

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
ORDINARY ORIGINAL CIVIL JURISDICTION
THIRD PARTY NOTICE NO.5 OF 2014
IN
SUIT NO.173 OF 2014**

Modern India Ltd. And Ors. ... Plaintiffs
versus
63 Moons Technologies Ltd. And Ors. ... Defendants
and
MSR Food Processing and Os. ... Third Party Noticees

Ms. Pooja Kothari I/by M/s. Federal and Rashmikant, for Plaintiffs.
Mr. Chirag Balsara, Ms. Madhu Gadodia, Ms. Purvi Doctor I/by M/s. Naik Naik and Co., for Applicants in Report 4 of 2016, NMS 747 of 2015.
Ms. Namita Shetty I/by Mr. Cyril Amarchand Mangaldas, for Defendant Nos.1, 3, 5, 6, 20 and 22.

CORAM: S.J. KATHAWALLA, J.

DATE: 30th JULY, 2018

P.C.:

1. Report No.6 of 2016 renumbered as Report No.25 was accepted by this Court vide order dated 23rd July, 2018. The liability of the Third Party Noticee No.1 i.e. MSR Food Processing against Defendant No.2, National Spot Exchange Ltd. (NSEL), has been accepted for Rs.8,81,81,940.70/-.
2. No one has appeared on behalf of the Third Party Noticees. The Third Party Notice No.5 of 2014 stands decreed in favour of Defendant No.2 being NSEL and against MSR Food Processing, Third Party Noticee No.1 and legal heirs of proprietor of Third Party Noticee No.1 late Mr. Sampatrao being 1a to 1c for

Rs.8,81,81,940.70. The rate of interest determined by the Court is 9% p.a. from the date of accrual of the cause of action/default.

3. Defendant No.2 NSEL reserves its rights for a decree against other Third Party Noticee No.2 in the event of Defendant No.2 being unable to recover the decretal amount against Third Party Noticee No.1.

4. The sealing of decree is dispensed with under Rule 314 of the Bombay High Court (Original Side) Rules.

(S.J.KATHAWALLA, J.)