

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
ORDINARY ORIGINAL CIVIL JURISDICTION
THIRD PARTY NOTICE NO.15 OF 2014
IN
SUIT NO.173 OF 2014**

Modern India Ltd. And Ors. ... Plaintiffs
versus
63 Moons Technologies Ltd. And Ors. ... Defendants
and
Yathuri Associates and Ors. ... 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.40 was accepted by this Court vide order dated 23rd July, 2018. The liability of the Third Party Noticee No.1 i.e. Yathuri Associates against Defendant No.2 - National Spot Exchange Ltd. (NSEL) has been accepted for Rs.134,43,07,727/-.
2. Vide order dated 18th December, 2014, Notice of Motion (L) No.2263 of 2014 has been made absolute against Third Party Noticee No.1 to the extent of Rs.264.96 Crores with interest at the rate of 18% p.a., from August, 2013 till the date of payment.

3. No one has appeared on behalf of the Third Party Noticees. The Third Party Notice stands decreed in favour of Defendant No.2 being NSEL and against Yathuri Associates, Third Party Noticee No.1 for Rs.134,43,07,727/-. The rate of interest determined by the Court is 9% p.a., from the date of accrual of the cause of action/default.

4. Defendant No.2 NSEL reserves its rights for a decree against other Third Party Noticee Nos.2 and 3 in the event Defendant No.2 is unable to recover the decretal amount against the third party Noticee No.1.

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

(S.J.KATHAWALLA, J.)

