

*Shephali*

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY  
ORDINARY ORIGINAL CIVIL JURISDICTION  
NOTICE OF MOTION NO. 631 OF 2013  
IN  
SUIT NO. 277 OF 2013**

|                           |               |
|---------------------------|---------------|
| Suhas Sopan Jadhav & Anr. | ...Plaintiffs |
| <i>Versus</i>             |               |
| Sarita Sopan Jadhav       | ...Defendant  |

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**Mr. K. Tamhane**, *i/b M/s. Dhanuka & Partners*, for the Plaintiffs.  
**Mr. G. S. Bhat**, for the Defendant.

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**CORAM: G.S. PATEL, J**  
**DATED: 19th October 2015**

**PC:-**

1. The Defendant is the Plaintiffs' sister. The 2nd Plaintiff is the Defendant's married sister, and the 1st Plaintiff is the Defendant's brother. The Defendant is unmarried.
  
2. The suit seeks administration of the estate of the parties' mother, one Shubhalaxmi Jadhav. The Defendant, Sarita, has separately filed a petition for probate of a Will said to have been left by Shubhalaxmi. That petition is contested by the present Plaintiffs.

3. In this Notice of Motion, the Plaintiffs seek that the flat that was occupied by Shubhalaxmi and in which the Defendant currently stays, i.e., A/39, Satyavijay CHS Ltd., Opp. Sarvodaya Nagar Gate, SPS Marg, Bhandup (West), Mumbai 400 078, be taken into receivership, and so too should shop and business of a beauty salon that was, apparently, being conducted by Shubhalaxmi during her life time.

4. Mr. Bhat for the Defendant states that the Defendant resides in the Satyavijay flat; and the beauty salon was only started in Shubhalaxmi's lifetime, but was and is the Defendant's own separate business.

5. As to the flat, Mr. Bhat on instructions says that the Defendant will not dispose of, alienate, encumber or create any third party rights in this flat (including a license) without leave of the Court obtained after at least ten working days' notice to the Advocates for the Plaintiffs. This statement is accepted as an undertaking to the Court.

6. As regards the salon, Mr. Bhat for the Defendant states that, apart from what he has said earlier, that salon is the Defendant's only source of income. The Defendant is unmarried and has no other means of support. This is of course contested by the Plaintiffs, but it does appear that the salon has throughout been run by Sarita. Whether or not it is her own, or she was running it on Shubhalaxmi's behalf is a matter that must await later adjudication. At this stage, the Plaintiffs' prayer to disturb this by appointing a receiver and letting out that salon to a third party seems to me to be

not only too harsh and extreme and without sufficient underlying justification.

7. It is enough, I think, to balance the competing interests of the parties and preserve these two assets. It is surely sufficient if the Defendant give a similar undertaking in respect of the salon and its business and is further directed to maintain the accounts. Mr. Bhat readily agrees to do so. The same undertaking is accepted in respect of the salon business and its premises. In addition, Mr. Bhat states that the Defendant will from this day on maintain accounts in respect of the running business and submit them on affidavit as and when required by the Court. This adequately protects the interests of the Plaintiffs in this administrative suit. These statements are also accepted as undertakings to the Court.

8. The Notice of Motion is disposed of in these terms with no order as to costs.

**(G. S. PATEL, J.)**