

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

**NOTICE OF MOTION NO.523 OF 2014
IN
SUIT NO.1635 OF 2007**

Dr. Eddie Pheroze Bharucha & Ors.Applicants/
Org. Plaintiffs

IN THE MATTER BETWEEN :

Dr. Eddie Pheroze Bharucha & Ors.Plaintiffs
V/s.

Ghanshyam Sevakramani & Ors.Defendants

**WITH
NOTICE OF MOTION NO.131 OF 2015
IN
SUIT NO.1635 OF 2007**

Mr. Ghansham ShewakramaniApplicant/
Org. Def. No.1

IN THE MATTER BETWEEN :

Dr. Eddie Pheroze Bharucha & Ors.Plaintiffs
V/s.

Ghanshyam Sevakramani & Ors.Defendants

Mr. J.P. Sen a/w. Mr. Vaibhav Ghogare and Ms. Tanya Jha i/b.
Rajendra Bhagattjee for the plaintiffs.

Ms. Sheetal Thakur i/b. Vikram Chavan for the defendant
nos.1 and 2.

**CORAM : K.R.SHRIRAM,J
DATE : 23rd October, 2015**

P.C.:-

1 The plaintiffs have filed the present suit for an order and

decree against the defendants to quit, vacate and hand over peaceful possession of the suit premises in the possession of defendant nos.1,2 and 3 in a building known as Clark House, Colaba, Mumbai. This suit was filed by the plaintiffs in the year 2007.

2 The defendants have filed a suit in the Bombay City Civil Court at Bombay being Suit No.2329 of 2013 against the plaintiffs seeking declaration that the plaintiff is not a public trust and in effect questioning the title of the plaintiff. The defendants have also sought a permanent injunction against the plaintiffs restraining the plaintiffs from disturbing the defendants possession.

3 The issues arising in both the suits generally overlap and finding in one suit will certainly have a bearing in the other suit. Therefore, the plaintiffs have taken out the present notice of motion no.523 of 2014 praying for hearing of the suit No.2329 of 2013 pending in the City Civil Court, Bombay alongwith the present suit. The defendants have also filed a notice of motion bearing no.131 of 2015 seeking an order to transfer the suit no.2329 of 2013 pending in the City Civil Court and hear the same alongwith the present suit.

4 In view thereof, both the counsels for the plaintiffs and
defendants have no objection if the respective notices of motion are
allowed.

5 Therefore, both the notices of motion are allowed and
accordingly disposed of with the following order :-

(a) the suit bearing no.2329 of 2013 to be transferred
to this court and heard alongwith suit no.1635 of
2007.

(b) since the evidence in suit no.1635 of 2007 is
already began the same to be continued and
concluded.

6 It is open for the defendants when they file their evidence
in suit no.1635 of 2007 to incorporate the evidence they wish to lead
in support of their suit no.2329 of 2013. Once the defendants
complete their evidence, it is open for the plaintiffs to file their
evidence in rebuttal to the evidence filed by the defendants to the
extent of challenging the title of the plaintiffs.

(K.R.SHRIRAM,J)

CERTIFICATE

**Certified to be true and correct copy of the original
signed Judgment/Order.**