

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

NOTICE OF MOTION NO.648 OF 2014
IN
SUIT NO.883 OF 2013

M/s. Unique Integrated Transport &
Management Consultancies P. Ltd. ... Applicant /
Plaintiff

In the matter between

M/s. Unique Integrated Transport &
Management Consultancies P. Ltd. .. Plaintiff

Karunya Mahatma Jyotiba Phule
CHS Ltd. (Proposed plaintiff)

Vs.

G M Limaye & Ors. ... Defendants

Dr. Kishan K Khanna, Adv. for plaintiff / applicant.

Mr. Kirti Munshi, Adv. i/b. Mr. Sameer K Sawant, Adv. for
defendants.

CORAM : MRS. ROSHAN DALVI, J.

DATE : 9th April, 2015.

P.C. :

1. The plaintiff's suit is for declaration that the agreement between the parties subsists for specific performance of the agreement, for damages of Rs.33.41 Crores, for deposit of Rs.1.27 Crores or giving a bank guarantee, for compensation and in the alternative of certain restraint order. The plaintiff has taken out the above the Notice of Motion for the same reliefs including the decree of declaration, specific performance, damages, compensation and the restraint order against the defendants from attempting to interfere or threaten to use certain documents, for a mandatory order for return of documents and for a restraint against entering residences of

individual members, the office of the society or the plaintiff and threatening them.

2. The reliefs in the suit would require oral as well as documentary evidence to be considered. The prayers in the Notice of Motion for the same relief cannot be granted. The relief of injunction is against the threat and criminal trespass and the mandatory order of return of documents. Counsel on behalf of the defendants makes a statement to Court that the defendant shall not threaten the plaintiff or enter upon the residences of the individual members of the plaintiff. Aside from such prohibitory injunction the other reliefs in the Notice of Motion cannot be granted. Hence the Notice of Motion is dismissed.

3. The Written Statement is filed.

4. Suit is adjourned to 27th April, 2015 for framing of issues. First on board. Part Heard.

(ROSHAN DALVI, J.)