

Atul

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
ORDINARY ORIGINAL CIVIL JURISDICTION
NOTICE OF MOTION NO. 656 OF 2015
IN
SUIT NO. 363 OF 2015

Marlene Pereira & 2 Ors.	...Plaintiffs
<i>Versus</i>	
Derek Pereira & Anr.	...Defendants

Mr. Sean Wassoodew, *for the Plaintiffs.*
Mr. Suneel Mogre, *for the Defendants.*

CORAM: G.S. PATEL, J
DATED: 14th August 2015

PC:-

1. By consent, the following order disposes of the Notice of Motion.

2. Defendants Nos. 1 and 2 will be at liberty to execute in conjunction with Plaintiff No. 1 a leave and licence agreement in respect of Flat No. 6 on the 2nd Floor in the building known as Chez-Nous, 12, St. Sebastian Road, Bandra (West), Mumbai – 400050. The monthly licence fee in respect of this flat will be deposited in the existing bank account that is jointly in the names of

Defendant Nos. 1 and 2 and Plaintiff No. 1. From the amount so received each month, 2/5th will be transferred to a separate recurring deposit account to be opened and maintained by the 1st Plaintiff and Defendants Nos. 2 and 3 with a bank of their choice. This is to secure the interest of Plaintiff No. 2 and Plaintiff No. 3 till further orders in the Suit.

3. As regards the question of outgoings and maintenance and expenses required to be incurred out of the license fee received, all decisions in that regard will be taken by Defendants Nos. 1 and 2 and Plaintiff No. 1 together in consultation with each other. Mr. Wassoodew, learned Advocate for the Plaintiffs, makes a grievance that these decisions are being taken by the 1st and 2nd Defendants to the exclusion of the 1st Plaintiff. Mr. Mogre, learned Advocate for the Defendants, state that necessary information will be given to the 1st Plaintiff. At the same time, the Defendants' reasonably expect cooperation from the 1st Plaintiff so that essential repairs and work are not held up. Mr. Wassoodew has instructions to assure the Defendants of the Plaintiffs' cooperation in the matter.

4. With these directions, the Notice of Motion is disposed of with liberty to the parties to apply.

(G. S. PATEL, J.)