

*Shephali*

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY**  
**ORDINARY ORIGINAL CIVIL JURISDICTION**  
**NOTICE OF MOTION NO. 1788 OF 2012**  
**IN**  
**SUIT NO. 1630 OF 2012**

|                                 |               |
|---------------------------------|---------------|
| Sheriar Faramroze Patel         | ...Applicant  |
| <i>In the matter between</i>    |               |
| Shri. Sheriar Farmroze Patel    | ...Plaintiff  |
| <i>Versus</i>                   |               |
| Shri. Sairus Adi Printer & Ors. | ...Defendants |

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**Mr. J. S. Kini, a/w Suresh Dubey, for the Plaintiff.**  
**Mr. Sameer Bhalekar, for the Defendants.**

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**CORAM: G.S. PATEL, J**  
**DATED: 12th June 2015**

**PC:-**

1. Learned Advocate on behalf of the Defendants, on instructions from Defendant No. 1, who is personally present in Court, makes a statement in the following terms:

- (a) That till the hearing and final disposal of the Suit, or further orders of the Court, the Defendants will not alienate, encumber or part with possession of the

immovable property being Najoo Mansion and Patel Building, situate at Nawab Tank Road, Mazgaon;

- (b) That the Defendants will, till further orders and till the final disposal of the Suit, on the 31st January and 31st July of each year file in this Court and in these proceedings a statement of accounts showing all income received from or in respect of these two buildings and all expenditures incurred by the Defendants (including payment of repairs, costs, municipal taxes and other outgoings in respect of these two buildings);

2. Parties agree that in both buildings there are several tenancies. For the present, without leave of the Court the Defendant will not accept any surrenders of tenancies or create any new tenancies. Defendants will be at liberty to apply in that regard after sufficient notice to the Plaintiff should the occasion arise.

3. Mr. Kini agrees that for the present this is adequate protection.

4. Liberty to both parties to apply.

5. This order is passed without any adjudication on the merits of the rival contentions raised in the present Notice of Motion. It is also expressly without prejudice to the rights and contentions of both sides in any other proceedings that are presently pending either before this Court on its Appellate Side or Original Side or in

any other Court. It is specifically noted that there is a separate dispute relating to the Plaintiff's possession or occupation of two units or blocks in one of these two buildings. That matter is pending hearing and final disposal on the Appellate Side. The present order is without prejudice to all the rights and contentions of both Plaintiff and the Defendant even in those proceedings.

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

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