

FARAD CONTINUATION SHEET
IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION

WRIT PETITION NO.14921 OF 2016

Office Notes, Office Memoranda of Coram, Appearances, court's orders or directions and Registrar's orders	Court's or Judge's orders
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Mr.Ashish Mehta with Ms.Shivani Jadeja for the petitioner

CORAM : K. K. TATED, J.
DATE : JUNE 7, 2016

P.C.:

1 Heard the learned counsel for the petitioner.

2 By this petition, under Article 227 of the Constitution of India, petitioner is challenging the order dated 11.5.2016 passed by Bombay City Civil Court, Mumbai in Draft Notice of Motion in Suit No.1344 of 2016 declining to grant ad-interim relief.

3 It is the case of the petitioner plaintiff that they filed Suit No.1344 of 2016 against respondent defendant for recovery of sum of Rs.6,42,000/- along with interest.

4 The learned counsel for the petitioner plaintiff submits that respondent nos.1 and 2 sold their entire property and left India. He submits

that only the property which stands in the name of defendant nos.1 and 2 is Flat no.201 and 202 in Simran CHS Ltd., Plot No.9, 15th Road, Khar (W), Mumbai 400 052. He submits that the Trial Court erred in coming to the conclusion that plaintiff has not made out any case for attachment before judgment.

5 After arguing for some time, the learned counsel for the plaintiff submits that plaintiff will prefer appropriate Chamber Summons for joining Mr. and Mrs.Shroff, purchasers of Flat No.201 and 202 as party defendant in Suit No.1344 of 2016. He further seeks liberty to move before the Trial Court for fresh application for ad-interim relief.

6 Considering the submissions made by the learned counsel for the petitioner and the liberty sought by him, following order is passed:

- a) Liberty granted to the petitioner to prefer appropriate Chamber Summons for joining Mr. and Mrs. Shroff as defendant in Suit No.1344 of 2016.
- b) If Chamber Summons is preferred, same be decided by Trial Court as early as possible, on its own merits.
- c) Liberty granted to the plaintiff to prefer appropriate application for fresh ad-interim order after joining Mr. and Mrs. Shroff as defendant in

Suit No.1344 of 2016, if it is allowed.

- d) Writ Petition stands dismissed as withdrawn.
- e) No order as to costs.

JUDGE