

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

**NOTICE OF MOTION NO.375 OF 2016
IN
SUIT NO.363 OF 2015**

Ms. Marlene Pereira & Ors.Applicants/Plaintiffs

V/s.

Derek Pereira & Anr.Defendants

Mr. Sean Wassoodew for the plaintiffs.

Mr. A.S. Mishra i/b. Mr. Suneel D. Mogre for the defendant nos.1 and 2.

Defendant No.1 and 2 are present in person.

CORAM : K.R.SHRIRAM,J

DATE : 27th JUNE, 2016

P.C.:-

1 This is a family dispute between siblings with regard to a property in Bandra (West). The plaintiffs have taken out this notice of motion for various reliefs. The defendants have filed the affidavit in reply dated 23rd March, 2016 in which the defendants state that other than prayer clauses (a) and (c) rest of the prayers can be granted. Since the defendants are agreeable to prayer clauses – (b), (d) to (h), the same are granted.

2 The counsel for the plaintiffs states that in view of the defendants agreeing for prayer clause – (b) he will not press for prayer clause - (c) at this point of time but requests that the defendants be

directed to provide a copy of the bank statement together with details of the cheques issued once in three months. The defendants are directed to provide a copy of the bank statement together with details of the cheques issued, to the plaintiffs every three months. The plaintiffs are at liberty to move the court for appropriate orders, if they find that there has been misappropriation by the defendants and the court will consider the application on its own merit at that stage.

3 As regards prayer clause – (a), the counsel for the plaintiffs states that the advocate for the defendants in his letter dated 15th October, 2015, copy whereof is annexed to the affidavit in support, has stated that they will allow any prospective licensee or tenant to inspect the second floor flat only between 11 A.M. to 12 Noon on Sunday.

4 Mr. Mishra, counsel for the defendants, on instructions from the defendants, who are present in court states that they will permit inspection on any date provided atleast 4 hours advance notice is given. The statement of the defendants is accepted.

5 In view thereof, Mr. Wassoodew, counsel for the plaintiffs
is not pressing for prayer clause – (a) at this point of time.

6 The notice of motion accordingly stands disposed.

(K.R.SHRIRAM,J)