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**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
TESTAMENTARY AND INTESTATE JURISDICTION
NOTICE OF MOTION NO. 46 OF 2012
IN
TESTAMENTARY PETITION NO. 1148 OF 2008**

Arvinder Pal Singh Gandhi	...Petitioner
<i>Versus</i>	
Chitra Ravikiran Haldipur	...Respondent

**Mr. Rajiv Narula, with Mr. Bhupesh Dhumatkar, i/b Jhangiani
Narula & Associates, for the Petitioner/Applicant.
Mrs. Chitra R. Haldipur, Respondent in person.**

**CORAM: G.S. PATEL, J
DATED: 4th July 2016**

PC:-

1. This is the Respondent's Notice of Motion seeking a restraint against the revocation Petitioner. The Respondent appears in person. The restraint sought is in respect of a residential bungalow, one of several in a society of plots. These plots have different structures on them. The bungalow in question is a ground plus first floor structure. The Respondent, Mrs. Chitra Haldipur, occupies the first floor. The revocation Petitioner occupies the ground floor. This is not in dispute.

2. Although Mr. Narula says that the Notice of Motion is not maintainable in the present form, he agrees, as does Mrs. Chitra Haldipur, that the following order sufficiently protects both sides, viz., that neither the Respondent nor the Petitioner will create any third party rights or part with possession of the portion(s) that are presently in their occupation and possession without leave of the Court obtained after at least 15 days' prior written notice to the other side;

3. This is necessary, *inter alia*, because the Petitioner claims that there is some pending proposal for redevelopment of the entire colony or society of plot owners. I have no doubt that the Court will need to be satisfied as to the terms of that redevelopment and that the Respondent will also have to be heard in that regard.

4. It is however made clear that both parties will be at liberty to take in any paying guests or to give the portions in their occupation or any part thereof on a standard leave and license basis, since such a license does not create any rights over the property.

5. The Notice of Motion is disposed of in these terms with no order as to costs. List Miscellaneous Petition No. 89 of 2011 for admission and denial of documents on 2nd August 2016.

(G. S. PATEL, J.)