

sbw

IN THE HIGH COURT OF JUDICATURE AT BOMBAY**ORDINARY ORIGINAL CIVIL JURISDICTION****NOTICE OF MOTION NO.749 OF 2008****IN****SUIT NO.519 OF 2008**

Hansaben Nanji Gada alias Shah ...Plaintiff

V/s.

Rajesh Nanji Gada alias Shah & Ors. ...Defendants

.....

Mr. P. M. Shah a/w M. K. Tanna for the Plaintiff.

Mr. D. H. Mehta i/b. V. N. Aji Kumar for Defendant no.1.

.....

CORAM : A. K. MENON, J.

DATE : 4TH JANUARY, 2016.

PC.:

This is a notice of motion taken out by the plaintiffs seeking directions to the defendant nos.1 and 2 to inter alia furnish accounts, appointment of the Court Receiver in respect of the properties and in the meantime an injunction restraining the defendant no.2 from obstructing or making exclusive use of flat no.208, Shyamkamal 'D' Co-operative Housing Society Ltd., 27, Tejpal Road, Vile Parle (East), Mumbai-400 057 and by mandatory order directing the defendant no.2 to remove himself along with his goods from the said flat. The notice of motion was heard

for ad-interim reliefs and vide order dated 13th March, 2008 this Court has declined to grant ad-interim relief but not before observing in paragraph 5 of the order that in the suit for administration of estate being Suit No.1906 of 2007 certain ad-interim relief granted protects the plaintiff. It is common ground that the said administration suit is still pending and the ad-interim order continues to hold the field. In the circumstances, Mr. Shah does not press the present notice of motion. Accordingly, the notice of motion is disposed of as not pressed.

2] In the meantime, Mr. Shah states that he will be examining two witnesses i.e. the plaintiff and defendant no.4. Directions have already been given vide order dated 27th October, 2015. Time to comply with these directions will stand extended as follows:-

- (i) The affidavits of evidence along with compilation of documents shall be filed on or before 25th January, 2016. Discovery and inspection to be completed forthwith thereafter and in any event, before 8th February, 2016.
- (ii) The statement of admissions and denials will be filed on or before 12th February, 2016.
- (iii) Similar directions were also passed against defendant no.1 and other defendants who will all comply with the order dated 27th October, 2015 in the above terms.

- (iv) List the matter for marking of documents on **15th February, 2016.**
- (v) To be shown along with Notice of Motion No.1124 of 2008 in Suit No.519 of 2008.

(A. K. MENON, J.)