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**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
ORDINARY ORIGINAL CIVIL JURISDICTION
NOTICE OF MOTION NO.400 OF 2014 IN
APPEAL (L.) NO.487 OF 2013 IN
APPEAL NO.114 OF 2014**

Dhaval Chauhan and Anr.	... Applicants
<u>In the matter between</u>	
Dr. Pragji Savji Vaja and Ors.	... Orig. Petitioners
Vs.	
Sruti Tradeplace Pvt. Ltd. And Ors.	... Intervener

Mr. Rajendra N. Bhagattjee for the Applicants.
Mr. Drushant Kumar, AGP for the Respondent No.7.
Ms. Mamta Sadh a/w Mr. Jitendra Ranawat i/by Sudhakar Lakhani for Respondents.

**CORAM : A.S. OKA &
ANUJA PRABHUDESSAI, JJ.**

DATE : 16th NOVEMBER, 2016

PC.

1 Heard the learned counsel appearing for the Applicants. Applicants are Appellants in Appeal No.114 of 2014. The first prayer for interim relief is of the stay of orders dated 17th July, 2013, 6th September, 2013 and 20th November, 2013 passed by the learned Single Judge which are impugned in the Appeal. The order dated 17th July, 2013 is an order passed during the pendency of Trust Petition No.2 of 2012 on a Chamber Summons. The order dated 6th September, 2013 is the final order passed on the Trust Petition by which the said Trust

Petition has been dismissed. The third order of which stay is sought is the order dated 20th November, 2013 by which the prayer for review of orders dated 17th July, 2013 and 6th September, 2013 has been rejected. Prayer for stay of order dated 17th July, 2013 cannot be considered as it was an order passed during the pendency of the Trust Petition which has been finally disposed of by the order dated 6th September, 2013. There is no occasion to stay the final order dated 6th September, 2013 as by that order, the Trust Petition has been dismissed. Similarly, there is no occasion to stay the order dated 20th November, 2013 by which the Review Petition seeking review of the order dated 6th September, 2013 has been dismissed. Therefore, prayer clause (a) cannot be granted.

2 Prayer clause (b) reads thus :-

“(b) necessary interim orders be passed which are as under :-

- i. reserving the land only for the members of the Gujarati Mochi community scheduled caste.
- ii. the present trustees be removed and the Annual General Meeting be held to appoint new Trustees from the Gujarati Mochi community.”

3 On plain reading of prayer clause (b), it is not clear as to under which provision of law the Applicants are seeking a reservation of the property. We have perused the affidavit in support of the Notice of

Motion filed in December, 2013 as well as further affidavit in support of Notice of Motion and another affidavit placing on record styled as “latest urgent developments”. In none of the affidavits, there is an averment that there is any attempt made by any of the Respondents to allot or transfer the property to any persons other than Gujurati Mochis.

4 Therefore, there is no reason to grant prayer clause (b). Accordingly, there is no merit in the Notice of Motion and the same is dismissed.

(ANUJA PRABHUDESSAI, J)

(A.S. OKA, J)