

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

**NOTICE OF MOTION NO. 1208 OF 2011
IN
SUIT NO. 1323 OF 2009**

Mrs. Barbara Philomena Pinto & Ors. .. Plaintiffs
Vs.
Mr.Vernon Aranha & Ors. .. Defendants

Mr.Floyd F.M. Gracias for plaintiffs.

Mr.Kamal Khata i/b Sualeh Nagvadaria for defendants.

**CORAM : K.R.SHRIRAM, J.
DATE : 15TH NOVEMBER, 2016**

P.C.

1 This notice of motion is taken out for relieving the defendant no.1 from the undertaking given to obtain the Occupation Certificate and Completion Certificate as set out in the order dated 20th October 2010.

2 No reply has been filed by the plaintiffs. However, the counsel for the plaintiffs states that he will proceed on denial. Shri Khata, counsel for the defendants submitted that the main reason why the applicant is unable to obtain Occupation Certificate from Bombay Municipal Corporation and get the clearance is because the plaintiffs are creating obstacles and creating obstructions at every stage.

2 Shri Gracias, counsel appearing for the plaintiffs states that his clients are not creating any obstacle, will not create obstructions and in fact will co-operate with the applicants.

The statement accepted.

3 In view of the statement made by the plaintiffs, the counsel for the applicants does not wish to press prayer clause (a).

As regards prayer clause (b), the counsel states that the defendants be given six months time to comply with the undertaking given to this Court.

Time as sought granted. It is made clear that no further time will be granted.

4 The notice of motion accordingly stands disposed.

(K.R. SHRIRAM, J.)