

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

**NOTICE OF MOTION NO.2470 OF 2011
WITH
NOTICE OF MOTION NO.1172 OF 2012
WITH
NOTICE OF MOTION NO.545 OF 2013
WITH
NOTICE OF MOTION NO.1420 OF 2016
IN
SUIT NO.2093 OF 2011**

Vinod R. ShahdadpuriPlaintiff

V/s.

Dhalumal Shahdadpuri & Ors.Defendants

Mr. D.A. Athavale for the plaintiff.

Mr. Y. Ghogari a/w. Ms. Heena Shah i/b. Sonal Doshi and Co. for the defendant no.1.

CORAM : K.R.SHRIRAM,J

DATE : 29th SEPTEMBER, 2016

P.C.:-

NOTICE OF MOTION NO.2470 OF 2011

1 When the plaintiff moved for ad-interim relief, this court refused to pass any ad-interim relief by an order dated 22nd July, 2011. Against the said order the plaintiff preferred an appeal being appeal no.714 of 2011. At the stage of admission itself, the appeal was disposed of and while disposing the appeal the court has passed certain orders including directing the defendant no.1 not to create any third party rights. Mr. Ghogari, counsel appearing for the defendant

no.1, on instructions states that defendant no.1 shall not create any third party rights with respect to the suit flat/flat allotted under the redevelopment agreement dated 16th May, 2011 until the hearing and final disposal of the suit. The statement is accepted and so ordered.

2 In view thereof, the order passed on 9th November, 2011 in appeal no.714 of 2011 is confirmed as final order in the notice of motion.

3 The notice of motion accordingly stands disposed.

NOTICE OF MOTION NO.545 OF 2013

1 The counsel for the applicant/defendant no.1 states that the issue of limitation be framed as the first issue when the issues in the suit are settled. The counsel for the applicant further states that this notice of motion can accordingly be disposed.

2 Therefore, the notice of motion also stands disposed.

NOTICE OF MOTION NO.1420 OF 2016

In view of the order passed in notice of motion no.2470 of 2011, this notice of motion does not survive and accordingly disposed.

NOTICE OF MOTION NO.1172 OF 2012

In view of the order passed by the Appeal Court in appeal no.714 of 2011, this notice of motion taken out on behalf of plaintiff also does not survive and accordingly disposed.

SUIT NO.2093 OF 2011

1 The defendants to file written statement and serve a copy thereof within two weeks from today. Within two weeks thereafter parties to file their respective affidavit of documents and also complete discovery and inspection. On or before 19th November, 2016 parties to also file and exchange their statement of admission and denial with reasons for denial.

2 Stand over to 21st November, 2016 for issues on which date the parties to come with agreed draft issues.

(K.R.SHRIRAM,J)