

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
ORDINARY ORIGINAL CIVIL JURISDICTION
NOTICE OF MOTION NO. 1399 OF 2012
IN
SUMMONS FOR JUDGMENT NO. 20 OF 2010
IN
SUMMARY SUIT NO. 2948 OF 2009**

Hemant Ambaji Rane

.. Applicants/Org. Deft.

In the matter between :

Vinod Lulla

.. Plaintiff

Vs.

Hemant Ambaji Rane

.. Defendant

Mr.Aman Arora i/b Desai and Diwanji for plaintiff.

Mr.Shivaji P. Yadav for defendant.

Mr.Hemant Ambaji Rane-Defendant present.

CORAM : K.R.SHRIRAM, J.

DATE : 19TH DECEMBER, 2016

P.C.

1 This notice of motion is taken out by the defendant for grant of extension of time for further four months from the date of the motion to make payment of the amount as agreed vide consent terms dated 21st September, 2012 read with minutes of the order dated 10th January, 2012.

2 This notice of motion has been lodged on 19th June, 2012. The counsel for the plaintiff states that a copy of this notice of motion has not even been served upon the plaintiff and the counsel for the applicant does not dispute the same.

3 In any event as the four months period expired on October, 2012 this notice of motion does not survive. The notice of motion accordingly stands dismissed.

4 At this stage, the counsel for the plaintiff raises a grievance that the defendant has disposed of the property though he was asking for extension of time and was telling the plaintiff that he will not dispose of the suit property and requests the plaintiff not to commence execution proceeding.

5 Shri Hemant Ambaji Rane-defendant is present in Court and is identified by his Advocate Shri Yadav. Shri Rane solemnly informed the Court that the suit property has not been disposed and he is still the owner of the suit property. Shri Yadav states that in the Consent Terms that was filed, the defendant made a statement that the property will not be sold except in consultation with the plaintiff and the sale proceeds will be used to pay all the amount due and payable to the plaintiff. The statement accepted.

6 The notice of motion accordingly stands disposed.

(K.R. SHRIRAM, J.)