

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

**NOTICE OF MOTION NO.1502 OF 2010
IN
SUIT NO.1442 OF 2010**

Abdon ValladaresApplicant/Plaintiff

V/s.

Ian Patrick Rodricks & Anr.Defendants

Mr. A. D'silva i/b. Pravin Mehta Mithi & Co. for the applicant/plaintiff.
Mr. Chirag Balsara a/w. Mr. Kingston D'souza i/b. Z.H. Pardiwala &
Co. for the defendants.

**CORAM : K.R.SHRIRAM,J
DATE : 11th AUGUST, 2016**

P.C.:-

1 On 10th June, 2010 the defendants had made a statement that till 1st July, 2010 the defendants will not create third party right and part with possession with regards to the suit flat. On 1st July, 2010 the counsel for the defendants made a statement that defendants shall not create third party rights or part with possession in regard to the suit premises till disposal of the notice of motion. On 11th August, 2015 parties had informed the court that settlement talks are underway.

2 As on date no settlement has been worked out. Since the statement made by the defendants has been in force for more than six

years, it will be in the fitness of things, if the statement made by the defendants is confirmed as order in the notice of motion. The defendants have also filed their written statement and the suit can proceed to trial.

3 Therefore, the statement made on 10th June, 2010 read with statement made on 1st July, 2010 is confirmed as order in the notice of motion and the notice of motion is accordingly disposed.

4 Parties to file their respective affidavit of documents within two weeks from today. Within one week thereafter, parties to complete discovery and inspection and within one week thereafter, parties to file and exchange their statement of admission and denial with reasons for denial.

5 Mr. Balsara, counsel for the defendants states that if the plaintiff is agreeable, his clients are ready and willing to go for arbitration before a court appointed Arbitrator.

6 Mr. D'silva, counsel for the plaintiff states that he would like to take instructions.

7 The suit be listed for issues on 26th September, 2016.

(K.R.SHRIRAM,J)