

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

**NOTICE OF MOTION NO. 1846 OF 2011
IN
SUIT NO. 1421 OF 2011**

Meeti Developers Pvt. Ltd. &
East View Developers Pvt. Ltd. .. Plaintiff
Vs.
Nootan Nagar Premises CHS Ltd. & Ors. .. Defendants

Mr.Omkar Kulkarni for plaintiff.

Mr.Mayur Khandeparkar a/w. Mr.Sachin Mahagaonkar i/b Divya Shah
Associates for defendants.

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

P.C.

1 The complaint was lodged on 23rd March 2011 and the notice of motion was also taken out immediately and the Court was moved for ad-interim relief. Ad-interim relief was rejected.

2 The relief sought in the notice of motion is to stay the effect and implementation of the termination Notice dated 15th November 2010 issued by defendant no.1 and to restrain defendant no.1 from creating any third party rights. It is stated in the affidavit in reply of defendant no.1 that defendant no.1 has already entered into Redevelopment Agreement with

another builder who has deposited Rs.5 crores as earnest money deposit. The counsel for defendant no.1 states that pursuant to the Memorandum of Understanding referred to in paragraphs 39 and 40 of the affidavit in reply filed by defendant no.1, steps have already been taken to proceed with the redevelopment.

3 No case has been made out nor any further affidavit has been filed as to show any changes have taken place between the time ad-interim relief was refused and today. The notice of motion has been pending for five years. The pleadings in the suit are also complete.

In my view, therefore, the notice of motion does not survive and accordingly disposed.

4 On or before 6th December 2016, parties shall file their respective affidavits of documents. On or before 13th December 2016, parties to give inspection of their respective documents to each other and on or before 16th December 2016, parties to exchange their respective statements of admission and denial with reasons for denial.

5 It is made clear that if the directions are not complied with, the parties will not be permitted to rely on any document, copy whereof is not annexed

to the plaint or written statement or mentioned in the list of documents annexed to the plaint/written statement.

6 The suit be listed for issues on 19th December 2016.

(K.R. SHRIRAM, J.)