

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

**NOTICE OF MOTION NO.1654 OF 2010  
IN  
SUIT NO.1415 OF 2010**

Shankarlal H. Khanchandani ....Applicant/Plaintiff

V/s.

Delibai H. Khanchandani & Ors. ....Defendants

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Mr. R.S. Tripathi for the applicant/plaintiff.

Ms. Deepti Panda i/b. M/s. Pardiwala & Co. for the defendant no.1.

Mr. V.B. Dhingreja for the defendant nos.3 to 5.

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**CORAM : K.R.SHRIRAM,J**

**DATE : 11<sup>th</sup> AUGUST, 2016**

**P.C.:-**

1           On 9<sup>th</sup> July, 2010 on the application of the plaintiff, the court was pleased to pass an ad-interim order restraining the defendants, their agents and servants from creating third party right to the extent of share held by the deceased in the properties which are mentioned at Exhibit 'A'. The court went on passed further directions as quoted below :

*“ORDER*

*i) Defendants, their agents and servants are restrained from creating third party right to the extent of share held by the deceased in the properties which are mentioned at Exhibit A. Such of the defendant who is in possession of the respective properties mentioned in Exhibit A shall not part with possession in respect of the suit property. So far as the other immovable properties are concerned, each of the defendant is directed to file affidavit mentioning therein the list of various immovable properties held by the deceased and immovable properties which are not described in Exhibit A. Copy of this affidavit be served upon the counsel for the defendants within four weeks from today. Liberty is given to the plaintiff to tender draft amendment and*

*apply for appropriate orders so far as movable and immovable properties are concerned.....”*

2           The counsel for the opposing parties state that this order be confirmed as order in the notice of motion and also state that they will file disclosures as sought in prayer clause - (c) of the notice of motion within three weeks from today. Prayer clause -(c) of the notice of motion reads as under :-

*“(c) that pending the hearing and final disposal of the suit, the defendant nos.1 and 2 be ordered and directed to disclose the properties of the said deceased which are sold and transferred to third parties with details accounts after his death of said deceased and be restrained by an order and injunction of this Hon'ble Court from receiving the dividends on the shares and or disposing of the movable properties of the deceased mentioned in Exhibit A to C hereto.”*

3           In view of the above, the order dated 9<sup>th</sup> July, 2010 is confirmed as order in the notice of motion and the notice of motion accordingly disposed.

4           The chamber summons no.19 of 2016 taken out by the defendant no.1 to be listed for hearing on 7<sup>th</sup> September, 2016.

5           On or before 31<sup>st</sup> August, 2016 reply to the chamber summons to be filed and copy served upon the applicant.

**(K.R.SHRIRAM,J)**