

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

**NOTICE OF MOTION NO.2341 OF 2010
WITH
NOTICE OF MOTION NO.3093 OF 2011
IN
SUIT NO.2035 OF 2010**

Ajitprasad Mathurprasad & Anr.Plaintiffs

V/s.

Niranjan J. Shah & Ors.Defendants

Ms. Prerna Lalchandani i/b. Omkar M. Kulkarni for the plaintiffs.

Mr. Vinay Tiwari i/b. Law Juris for the defendant nos.2 and 3.

CORAM : K.R.SHRIRAM,J

DATE : 7th JULY, 2016

P.C.:-

NMS/2341/2010

1 This notice of motion is taken out by the plaintiff for appointment of Receiver of the suit flat, injunction the defendants from creating any third party rights in the suit flat, etc. pending the hearing and final disposal of the suit.

2 The suit is of the year 2010 and the notice of motion has been registered on 27th August, 2010. The counsel for the plaintiff states that they have never even applied for any ad-interim relief. No case has been made out in change in circumstances from the date when the notice of motion was taken out till today.

3 In view of the above, I see no reason why any order in the
notice of motion is required to be passed. Therefore, the notice of
motion is dismissed.

4 The counsel for the plaintiff states that the defendants have
filed their written statement. Therefore, on or before 22nd July, 2016
the parties to file their respective affidavit of documents and also give
inspection of the documents. On or before 30th July, 2016 parties to
file and exchange their statement of admission and denial with
reasons for denial.

5 Stand over to 8th August, 2016 for issues.

NMS/3093/2011

1 The counsel for the applicant states that the plaintiff have
complied with the order dated 3rd February, 2011 and nothing
survives in this motion.

2 Therefore, the notice of motion is accordingly disposed.

(K.R.SHRIRAM,J)