

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

**NOTICE OF MOTION NO.3573 OF 2007
IN
SUIT NO.2609 OF 2007
WITH
NOTICE OF MOTION NO.3574 OF 2007
IN
SUIT NO.2612 OF 2007
WITH
NOTICE OF MOTION NO.3575 OF 2007
IN
SUIT NO.2611 OF 2007
WITH
NOTICE OF MOTION NO.3576 OF 2007
IN
SUIT NO.2610 OF 2007
WITH
NOTICE OF MOTION NO.3577 OF 2007
IN
SUIT NO.2613 OF 2007**

M/s.S.B.Associates

....Plaintiffs

V/s.

Sudhakar Pandurang Belose & Ors.

....Defendants

WITH

**NOTICE OF MOTION NO.4731 OF 2007
IN
SUIT NO.3416 OF 2007**

Sudhakar Pandurang Belose

....Plaintiffs

V/s.

Jitendra Bhimashi Shah & Ors.

....Defendants

Mr.Aditya Shiralkar a/w Ms.Deepali Khare i/by M/s.Shiralkar & Co. for plaintiffs.

Ms.S.H.Rajale i/by Amar Bhatt for the defendant no.1 in Suit 2609/2007.

Ms.S.H.Rajale i/by Amar Bhatt for defendant nos.1 & 2 in Suit 2612/2007, 2611/2007, 2610/2007, 2613/2007 & 3416/2007.

CORAM : K.R.SHRIRAM,J

DATE : 8.9.2016

P.C.:-

1 This court by an order dated 28.9.2007 granted ad-interim reliefs to the plaintiffs and the order reads as under :-

"Heard counsel for the parties. Perused the relevant documents. It is seen that defendant No.1 has already parted with possession of the suit land in favour of defendant No.2 as back as October 2006. There is no dispute with regard to this position. The defendant No.2, on the other hand, inspite of service, has not chosen to appear before this court. No reply has been filed on behalf of defendant No.2 to counter the assertions made in the plaint as well as the affidavit in support of the motion.

2. On perusing the documents on record, there seems to be force in the case made out by the plaintiff that defendant No.1 could not have created third party interest in the suit flat. Be that as it may, as defendant No.2 has not chosen to appear before this court and formidable case is made out against him, which having remained uncontrovered, it is ordered that the defendant No.2 shall maintain status-quo with regard to the suit premises till the hearing of the motion. The motion be placed for hearing on 14th December, 2007. Parties to exchange pleadings, to be filed in the Registry on or before 30th November, 2007. Counsel for the plaintiff additionally prays for relief in terms of prayer (e). In my opinion, the order of status-quo is wide enough to expect that the defendant Nos.1 or defendant No.2 shall not apply to the society for transfer the membership in relation to the suit flat."

2 The counsel appearing for the plaintiffs and the counsel appearing for the defendants state that the pleadings in the suit are

complete and without prejudice to the rights and contentions in the suit, seek the ad-interim order as modified from time to time be continued as it has been in force for almost 9 years and the Notice of Motion be disposed accordingly. Therefore, the order passed on 28.9.2007 as modified from time to time be continued as order passed in these Notices of Motion. Notices of Motion are accordingly disposed.

3 The parties to file their respective affidavit of documents and complete discovery and inspection on or before 1.10.2016. Parties to exchange their respective statement of admission and denial with reasons for denial on or before 1.10.2016. Suit be listed for issues on 3.10.2016 along with Suit No.3416 of 2007.

(K.R.SHRIRAM,J)