

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

**NOTICE OF MOTION NO.3657 OF 2007
IN
SUIT NO.2706 OF 2007**

Sundarabai Ganpat Bhandari & Ors.Plaintiffs

V/s.

M/s. Shree Raj Builders & Developers & Ors.Defendants

Mr. Vishal Thaker a/w. Ms. Anjali Trivedi i/b. Mr. Vinod Thaker for the plaintiffs.

Mr. P.M. Shah a/w. Mr. Pankaj Shah and Ms. Meetal Savla i/b. P.M. Shah for the defendant no.2.

**CORAM : K.R.SHRIRAM,J
DATE : 28th JULY, 2016**

P.C.:-

1 By an order dated 29th September, 2007 this court after hearing of parties had directed status quo to be maintained as regards the suit property. The order has been in force for almost 9 years.

2 The counsel for the plaintiffs states that the plaintiffs have taken out a chamber summons no.919 of 2014 to permit the plaintiff nos.1 to 3 to assign their rights in the suit property to plaintiff no.4 and in the affidavit in support filed by the plaintiff no.1 the intention to assign has been expressed.

3 After submissions were made by the counsels for the plaintiffs as well as defendants, the counsels suggested that the ad-interim order passed on 27th September, 2007 be confirmed as an order in the notice of motion and as the written statement are already on record, the suit may proceed to trial. The counsels also requested that the issue of limitation that was framed under Section 9A be clubbed with the main issues and be framed as issue no.1.

4 In the circumstances, by consent, the following order is passed :

(a) the order passed on 27th September, 2007 is confirmed as an order in the notice of motion keeping all issues including the issue of limitation open to be decided in the trial of the suit.

(b) the notice of motion accordingly stands disposed.

(c) the chamber summons no.919 of 2014 is disposed as withdrawn.

5 Mr. Shah, counsel appearing for the defendant no.2 states that by an order dated 16th July, 2013 the defendant no.2 was directed to file affidavit in lieu of examination in chief. The counsel for the defendant no.2 seeks leave to incorporate that affidavit while filing their evidence in the main suit. Leave granted.

6 The parties to file their respective affidavit of documents and give inspection of the documents within two weeks from today. Within one week thereafter, parties to file and exchange their statement of admission and denial with reasons for denial.

7 Stand over to 29th August, 2016 for issues.

(K.R.SHRIRAM,J)