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

NOTICE OF MOTION NO.3591 OF 2008
WITH
NOTICE OF MOTION NO.151 OF 2013
WITH
NOTICE OF MOTION NO.525 OF 2014
WITH
MIS. APPLICATION NO.2 OF 2011
IN
SUIT NO.2862 OF 2008

Abdul Sattar Haji Usman & Anr. ….Plaintiffs

V/s.

The Archbishop of Bombay & Ors. ….Defendants

Mr. Shreepad Murthy a/w. Mr. Abhishek Patil i/b. Mr. Sunil S. Yadav for the plaintiffs.
Mr. Vijay M. Vaghela for the defendant nos.4 and 5.
Mr. G.W. Mattos, AGP for the defendant no.2.
Mr. Vinay S. Bhorge for the respondent nos.9 & 10 (SRA).

CORAM : K.R.SHRIRAM,J
DATE : 4th AUGUST, 2016

P.C.:-

NOTICE OF MOTION NO.3591 OF 2008

1 This notice of motion has been taken out in the year 2008. I am told that no ad-interim relief was granted in this motion. Mr. Mattos, AGP for the defendant no.2 states that the SRA project on the suit property is almost completed and possession to all those 384 slum dwellers has been given. Mr. Murthy, counsel for the plaintiff in fairness submits that prayer clauses – (a), (b) and (c) cannot be

granted at this stage but only prayer clause -(d) be granted.

2 As regards prayer clause – (d), the restrainment order sought is only against defendant nos.2 and 4. Admittedly the possession is with defendant no.5 and the counsel for the defendant no.5 states that they have already created third party rights in the free sale components. Since the possession is not with defendant nos.2 and 4, the question of passing any order against defendant nos.2 and 4 also does not arise.

3 Mr. Murthy, counsel for the plaintiffs states that leave be granted to them to approach the court, should they need any urgent orders. No such leave is required because it is always open to the parties to move the court at any time, as and when they feel necessary and the court would consider the application on its merits.

4 In the circumstances, the notice of motion is dismissed.

NOTICE OF MOTION NO.151 OF 2013

Mr. Murthy, counsel for the plaintiffs/applicants seeks leave to withdraw the notice of motion. The notice of motion is disposed as withdrawn.

NOTICE OF MOTION NO.525 OF 2014

Mr. Vijay M. Vaghela, counsel for the defendant nos.4 and 5/applicants seeks leave to withdraw the notice of motion. The notice of motion is disposed as withdrawn.

Whichever defendant has not filed written statement, they shall file the written statement and serve a copy thereof upon the plaintiffs within six weeks from today.

The suit alongwith Mis. Application No.2 of 2011 be listed for directions on 23rd September, 2016.

(K.R.SHRIRAM,J)