

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

**NOTICE OF MOTION NO. 4023 OF 2009
IN
SUIT NO. 3021 OF 2009**

Sanju @ Sanjay S. Maskar

.. Plaintiff

Vs.

Raju S. Maskar & Ors.

.. Defendants

Mr.G.K. Vora for plaintiff.

Mr.Aditya Parab i/b M/s. Thadur Law Associates for defendants.

CORAM : K.R.SHRIRAM, J.

DATE : 14TH JULY, 2016

P.C.

1 When the matter was listed on 6th May 2016, it was stood over to 14th July, 2016, i.e., today for filing consent terms. The counsels state that the parties are yet to amicably resolve the matter but settlement talks are still on. The parties have had more than two months to settle the disputes *inter-se*.

2 In this Notice of Motion, the relief sought is to restrain defendant nos.1 to 4 from creating third party rights in respect of the properties mentioned in Exh.'B' to the notice of motion. On 14th October 2009, ad-interim order was passed whereby parties were directed to maintain status-quo in relation to the suit properties. It was also clarified that it would not

prevent any of the parties to the suit from using the suit premises for carrying on any existing business and shall not effect any arrangement entered into during the course of said business. The situation has been maintained and parties are using the premises, is what I am told by the counsels.

3 Between 2009, when the ad-interim order was passed, and today there is nothing on record or even suggested to show any change in circumstances warranting recall or modification of this order. The counsel for the defendants also states that written statements are filed.

4 In the circumstances, the order passed on 14th October 2009 to continue till the hearing final disposal of the suit as order in the motion.

5 The notice of motion accordingly disposed.

6 Within two weeks, parties to file their respective affidavits of documents and also give inspection. Within one week thereafter, parties to exchange their statements of admission and denial with reasons for denial.

7 The suit be listed for issues on 22nd August 2016.

At the same time, it is clarified that this will not prevent the parties from amicably resolving their disputes *inter-se* which the counsels state within two weeks hopefully it will be resolved.

(K.R. SHRIRAM, J.)