

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

**NOTICE OF MOTION NO.4323 OF 2008
IN
SUIT NO.3384 OF 2008**

Tulsiram R. RanderPlaintiff

V/s.

Indira R. Kasat & Ors.Defendants

Mr. Rajeev Narula a/w. Mr. Bhupesh Dhamatkar i/b. Jhangiani,
Narula & Associates for the plaintiff.

Mr. Kamal Katha a/w. Ms. Pallavi Bali i/b. M/s. Bali & Associates for
the defendant nos.1 to 5.

Mr. Pravin Samdhani, senior advocate a/w. Mr. Sanjay Jain & Mr. S.
Nagavdaria i/b. Mehta & Co. for the defendant nos.6 to 8.

CORAM : K.R.SHRIRAM,J

DATE : 7th JULY, 2016

P.C.:-

1 This notice of motion has been taken out way back in
December, 2008. The ad-interim order, I am informed by the counsel
for the plaintiff was refused. Against that order the plaintiff had
preferred an Appeal and the Appeal Court disposed of the Appeal by
granting liberty to the plaintiff to apply to this court for expeditious
disposal of the suit.

2 The situation as it was then and the situation as of today,
in my view, does not warrant any relief sought in the notice of motion.
Mr. Narula, counsel for the plaintiff states that in the plot, which is the

subject matter of the suit, a building has been constructed which was completed after the suit was filed and after ad-interim was refused. Mr. Samdhani, senior counsel for the defendant nos.6 to 8 states that the building has been completed and it is given on lease to a third party. Since the building was completed after ad-interim relief was refused and no application was made out for any orders after the building was completed which Mr. Samdhani submits was completed in 2013, I see no reason as to why any relief sought in the notice of motion should be granted. The suit also is for specific performance of an unstamped alleged agreement entered into in the year 1977 and the suit itself has been filed in the year 2008.

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

4 The defendants have also 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 1st August, 2016 for issues.

(K.R.SHRIRAM,J)