

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

**NOTICE OF MOTION NO. 3549 OF 2010
IN
SUIT NO. 977 OF 2009**

Manjit Singh Basant Singh Sandhu .. Plaintiff
Vs.
1. P.J. Joseph & Ors. .. Defendants

Ms.Iram Menon i/b Shoaib I. Memon for plaintiff.

Ms. Vijaya Ingale i/b Sean Wassoodeo for defendant nos. 1 and 70.

**CORAM : K.R.SHRIRAM, J.
DATE : 15TH NOVEMBER, 2016**

P.C.

1 This notice of motion was disposed of by an order dated 24th January 2012 in terms of prayer clause (b). Against this order, defendant nos.1 and 70, defendant no.2 [Appeal (Lodg.) No. 256 of 2013], defendant no.34 [Appeal (Lodg.) No. 491 of 2013], defendant no.43 [Appeal (Lodg.) No. 489 of 2013] and defendant no.52 [Appeal (Lodg.) No.490 of 2013] had filed Appeals. The Appeal filed by defendant nos.1 and 70 has been admitted but no stay has been granted. As regards the other four Appeals, without going into the merits of the case, a Division Bench of this Court was pleased to set aside the order so far as these four defendants are concerned and directed the notice of motion to be heard afresh only as far as these defendants are concerned. None of these defendants are present today.

Therefore, in view of what is stated in the order dated 24th January 2012, I am inclined to allow the notice of motion also as far as these four defendants are concerned, in terms of prayer clause (b), which reads as under :

(b) pending the hearing and final disposal of the suit, the defendants by themselves and/or by their servants, agents, representatives or otherwise be restrained by an order and injunction of this Hon'ble Court from dealing with, disposing of, alienating and/or encumbering and/or parting with possession of the properties being the 1st to 6th properties Exhibit 'A', Exhibit 'F', Exhibit 'K', Exhibit 'Y', Exhibit 'AA' and Exhibit 'FF' to the plaint or any part thereof and/or from including any third party in the same.

2 The notice of motion accordingly stands disposed.

(K.R. SHRIRAM, J.)