

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

NOTICE OF MOTION NO. 2229 OF 2015

IN

SUIT NO. 255 OF 2014

Pravin Viram Satra

... Applicant / Plaintiff

Versus

Sher Mohammed Azimuddin Sodawala

& Ors.

... Defendants

ALONG WITH

NOTICE OF MOTION NO. 3617 OF 2010

IN

SUIT NO. 3219 OF 2010

WITH

NOTICE OF MOTION NO. 2600 OF 2012

IN

SUIT NO. 2532 OF 2012

Ms. Gargi Bhagwat i/b. Divekar Bhagwat and Company for the Plaintiff in S. No. 255 of 2014 and for Defendant No. 54 in S. No. 3219 of 2010 and S. No. 2532 of 2012.

Mr. R. Shah i/b. N.S. Patel and Company for the Plaintiff in S. No. 3219 of 2010 and for Defendant No. 54 in S. No. 255 of 2014 and S. No. 2532 of 2012.

Mr. Pratap M. Nimbalkar i/b. S.R. Misra for Defendant Nos. 1 to 53 in all Suits.

CORAM : S.J. KATHAWALLA, J.
DATED : 2ND FEBRUARY, 2016

P.C.

1. Heard the learned Advocates appearing for the parties and the following order is passed by consent in Notice of Motion No. 3617 of 2010 in Suit No. 3219 of 2010 :

i. Pending the hearing and final disposal of the Suit, the Defendant Nos. 1 to

53 undertake that they shall not sell, dispose of, alienate, encumber, part with possession and / or create third party interest in respect of the portion of the property bounded by green colour line in the rough sketch, which is already taken on record and marked 'X' for identification on 19th January, 2011. The undertaking is accepted.

iii. Pending the hearing and final disposal of the Suit, the undertaking given by Defendant No. 54 in the above Suit No. 3219 of 2010 and the Plaintiff in Suit No. 255 of 2014 that he will not part with possession nor create any third party right in any manner in respect the plot as shown in the said rough sketch and bounded by red colour shall continue to be in force.

iv. In view thereof, the above Notices of Motion are also accordingly disposed of.

2. In the above Suits, the Defendants are directed to file their Written Statements within a period of four weeks from the date of this order.

3. Place the above Suits for framing of issues on 4th March, 2016.

(S.J.KATHAWALLA, J.)