

IN THE HIGH COURT OF JUDICATURE AT BOMBAY

ORDINARY ORIGINAL CIVIL JURISDICTION

NOTICE OF MOTION(L) NO.3365 OF 2015

IN

SUIT NO.111 OF 2016

Mrs. Durdana Z. Askari

...Plaintiff

V/s.

Seeta Mahal Co-operative Housing
Society Limited & Anr.

...Defendants

.....

Mr. Mustafa Kachwala i/b. M/s. Kachwala Misar & Co. for the Plaintiff.
Ms. Rekha D. Kinger for Defendant no.2.

.....

CORAM : A. K. MENON, J.

DATE : 11TH FEBRUARY, 2016.

PC.:

This motion is listed for further ad-interim relief. An affidavit of service is tendered by the learned Advocate for the plaintiff. Defendant no.1 is absent on call.

2] As far as defendant no.2 is concerned, the learned Advocate for the defendant no.2 states on instructions that the statement made by her on 8th December, 2015 may continue pending the hearing of the suit and in terms of prayer clause (a) of the notice of motion. Accordingly, the notice of motion is made absolute in terms prayer clause (a). Defendant no.2 shall also not seek to create any license in respect of the flat without

leave of this Court.

3] Meanwhile defendant no.1 is restrained from entertaining any request for sale, disposal or alienation of the suit flat described in Exhibit A. In view of the order passed, the learned counsel for the plaintiff does not press for appointment of the Court Receiver at this point of time, if and when the need arises, liberty to the plaintiffs to apply. Notice of motion is disposed of in the above terms.

5] As far as the suit is concerned, on behalf of defendant no.2 the learned Advocate waives service of the Writ of summons upon defendant no.2. The defendant no.2 is directed to file his written statement within a period of 12 weeks from today. List the suit for directions as per CMIS.

(A. K. MENON, J.)