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IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION
FIRST APPEAL ST NO. 1083 OF 2017
WITH
CIVIL APPLICATION NO. 384 OF 2017

Chetandas S/o Narumal Motwani & Anr	...Appellants
<i>Versus</i>	
Dinesh S/o Chetandas Motwani & Anr	...Respondents

Mr Ashok Saraogi, *with Anand Mishra, for the Appellant.*
None *for the Respondents.*

CORAM: G.S. PATEL, J
DATED: 20th June 2017

PC:-

First Appeal St. No. 1083 of 2017:

1. **Admit.** Call for the R&P. A copy of the decree is presently dispensed with. The Appellants will file a private paper-book.

Civil Application No. 384 of 2017:

2. The 1st Respondent appeared before this Court on 6th February 2017. Later, on 10th April 2017, Respondents Nos. 1 and 2 were represented by Mr Ghosalkar. They sought time to file a Reply.

Time was given till 19th April 2017. None appears for the Respondents Nos. 1 and 2. There is no Affidavit in Reply.

3. The Civil Application seeks that the Respondents be restrained from claiming any association or relation with the Plaintiffs/Appellants or claiming any rights in respect of the property owned or possessed by the Plaintiffs.

4. This is an unfortunate dispute between parents on one side, the Appellants, and one of their sons and his wife (the Appellants' daughter-in-law) on the other. The Plaintiffs sought a declaration that the Plaintiffs having disowned their own son, complaining of his conduct and of ill-treatment at the hands of their son and daughter-in-law, the Defendants had no right to claim any kinship or relationship with the Appellants or to claim any right in the Appellants' property.

5. By the impugned order, the Suit was dismissed. it appears that one of the reasons was that particulars of properties were not disclosed.

6. The injunction sought in the Civil Application is not one that I am prepared to grant in the manner in which it is worded. The relief can however be moulded:

"Pending the hearing and final disposal of the Appeal neither of the Respondents will claim any rights whether equitable or otherwise in respect of any property, movable or immovable, of which either or both of the Plaintiffs are

shown as the owners or in respect of which they have any rights;"

7. Liberty to the parties to apply.

8. The Appellants reside at Indus Court Building, Ground Floor, A Road, Churchgate, Mumbai 400 020. Their other son resides with them. This flat is in the name of the Appellants. The Respondents are not to enter into any transaction of any nature whatsoever in respect of Indus Court Building flat. Further, given the nature of the Suit and the allegations in the plaint, the Respondents are not to enter the Indus Court Building except with the express permission from the Appellants or with leave of the Court obtained after at least three weeks' notice to the Advocates for the Appellants.

9. The Civil Application is disposed of in these terms with no order as to costs.

(G. S. PATEL, J)