

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

**NOTICE OF MOTION NO.18 OF 2013
IN
SUIT NO.2562 OF 2012**

Pallavi (Nee Madhu) Pankaj Khona & Ors.Plaintiffs

V/s.

Deepak U.Maishari & Ors.Defendants

Ms.Yogini Gada i/by Harakhchand & Co. for the plaintiff.

Mr.S.R.Page for the defendant no.1.

CORAM : K.R.SHRIRAM,J

DATE : 6.4.2017

P.C.:-

1 The plaint was lodged on 20.10.2012 and the relief claimed is for partition. The Notice of Motion was lodged on 5.1.2013, almost 3 months later. When the Notice of Motion was moved for ad-interim relief on 4.3.2013, the court refused to grant any ad-interim relief and made a prima facie observation on limitation. No further affidavit also has been filed as to how the situation has changed between the time when the Notice of Motion was taken out and today. No case also made out for grant of any relief. Therefore, Notice of Motion dismissed.

2 On record, I find written statement of defendant no.1 and also of defendant nos.2 to 11. Therefore, pleadings in the suit are

complete. Suit be listed for issues on 2.5.2017 on which date, parties will come with the agreed draft issues and a separate list of issues they are unable to agree upon.

In the meanwhile, parties shall also file their respective affidavit of documents and complete discovery and inspection and also exchange statement of admission and denial with reasons for denial.

(K.R.SHRIRAM,J)