

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
ORDINARY ORIGINAL CIVIL JURISDICTION
NOTICE OF MOTION NO.343 OF 2017
IN
SUIT NO.111 OF 2017**

Deesha Leasecon Pvt. Ltd. and Anr. ... Plaintiffs
versus
The Municipal Corporation for
Greater Mumbai and Ors. ... Defendants

**WITH
NOTICE OF MOTION NO.356 OF 2017
IN
SUIT NO.111 OF 2017**

Mr. Navroz Seervai, Senior Advocate with Mr. Sarosh Bharucha, Ms. Shreya Gupta,
Ms. Swati Khinvasara i/by M/s. Bharucha and Partners, for Plaintiffs.
Mr. A.Y.Sakhare, Senior Advocate with Mr. Ravi Sirsikar, for Defendants.

CORAM: S.J. KATHAWALLA, J.

DATE: 2nd MARCH, 2017

P.C.:

1. Written Statements of Defendant Nos.1 to 3 dated 02-03-2017 and Affidavits in Reply both dated 02-03-2017 are taken on record and the following order is passed :

(i) Pending the hearing and final disposal of the Suit and without prejudice to the rights and contentions of the Municipal Corporation, the Plaintiff shall deposit with the Prothonotary and Senior Master of this Court :

(a) the fees for a period of six months in respect of the VMSs set out in prayer clause (a)(I) of the Notice of Motion No.343 of 2017 with unconditional liberty to

Defendant Nos.1 to 3 to withdraw the amounts if they so desire;

(b) the annual fees in respect of the VMSs as set out in prayer clause (a)(II) of the Notice of Motion No.343 of 2017 with liberty to Defendant Nos.1 to 3 to withdraw the amounts if they so desire.

2. The Prothonotary and Senior Master shall issue receipt/s to the Plaintiff upon such deposit/s.

3. This order shall not preclude the Corporation from taking action against the Plaintiffs by following due process of law.

4. In the event of any order passed by the Corporation which is adverse to the Plaintiffs, the same shall not be enforced for a period of four weeks from the date of service of such order on the Plaintiff and their Advocates.

5. The above Notices of Motion are accordingly disposed off.

(S.J.KATHAWALLA, J.)