

Amk

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

**NOTICE OF MOTION NO. 811 OF 2014
IN
SUIT NO. 472 OF 2014**

Mukesh alias Mira Ramniranjan Murarka .. Applicant

In the matter between

Mukesh alias Mira Ramniranjan Murarka .. Plaintiff

Vs

Mr. Sunil Krishna Prakash Gupta & Ors. .. Defendants

Mr. B. S. Mahajani for the Plaintiff/Applicant.

Mr. Shekhar B. Prabhavalkar for Defendant Nos.1, 3, 4 & 5.

Mr. Mandar Soman for Defendant Nos.2 & 7.

CORAM : K.R. SHRIRAM, J.
DATE : 23rd MARCH, 2017.

P.C.:

1. This Notice of Motion was lodged on 14.02.2014. The reliefs sought are to direct the defendant (a) to disclose on oath all the assets forming part of the estate of the deceased including all the assets which have been transferred in the name of defendant Nos.1 and 2 or their family members in three years immediately prior to demise of deceased parents of the plaintiff; (b) to render accounts; (c) for appointment of administrator; (d) for injunction; and (e) appointment of Court Receiver.

2. The plaintiff never moved for any ad interim relief. No case is also made out in the affidavit-in-support also as to why such reliefs as

sought in the Notice of Motion should be granted. The counsel for the plaintiff submitted that before the suit was filed, defendant No.2 transferred a sum of Rs.77 lakhs, after the demise of the mother of the plaintiff to his personal account and the bank, viz. ICICI Bank has referred the matter to Economic Offences Wing. No affidavit denying these points have been filed.

3. At the same time, Mr. Prabhavalkar and Mr. Soman state that, without prejudice to the client's rights and contentions, they shall file an affidavit which in effect will meet the contents of the reliefs sought in prayer clause a(i). Statement accepted.

4. Mr. Soman, in addition, states that an amount of Rs.76,70,000/- was transferred by defendant No.2 but his client did not do anything wrong. At the same time, Mr. Soman states that the said amount is lying in the account of the deceased jointly held with defendant No.1.

5. Mr. Prabhavalkar appearing for defendant No.1 denies that such an amount has been transferred to any account which is in his name solely or jointly with anyone else.

6. If such an amount has been transferred, defendant No.1 shall not touch that amount. Defendant No.1 shall also file a copy of the bank

statement from the time that the deceased expired till 31.03.2017. Mr. Prabhavalkar also states that in any event EOW has directed ICICI Bank to freeze that account.

7. Accordingly, Notice of Motion stands disposed.

8. The affidavits mentioned above to be filed within 3 weeks by all the defendants.

9. The plaintiff to forward a copy of this order to defendant Nos.3 to 6.

[K. R. SHRIRAM, J.]