

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

**NOTICE OF MOTION NO.577 OF 2014
IN
SUIT NO.327 OF 2014**

Abul Aziz Hussein Shah Patel)....Applicant/Plaintiff

V/s.

Far Holdings Pvt. Ltd. & Ors.)....Defendants

Mr.M.S.Bhandari i/by Ajinkya R.Lokere for the plaintiff/applicant.

Mr.Tahir Prande i/by Juris Consillis for the defendant no.1.

Mr.B.B.Parekh for defendant nos.2, 3, 4 & 5.

**CORAM : K.R.SHRIRAM,J
DATE : 29.6.2017**

P.C.:-

1 Mr.Prande appearing for the defendant no.1 states that he has not received instructions in the matter though a communication was sent to defendant no.1.

2 Mr.Bhandari appearing for the plaintiff states that this court was pleased to record on 29.4.2014 a statement of defendant no.1 that they have not dealt with the flat no.603, 6th floor, B-wing, of the building known as Sagar Elegance and until further order the defendant no.1 shall not sell, alienate, encumber, part with possession and/or create third party rights in respect of the suit flat. The statement was accepted as an undertaking.

3 So far as other defendants are concerned, the Court
passed an injunction order restraining them from selling, alienating,
encumbering or creating any third party rights in respect of the suit
flat.

4 The defendant no.1 and defendants 2 to 5 have filed
written statement. So far as other defendants, i.e., defendant nos. 6
to 10, Mr.Bhandari on instructions, states that the suit has been
transferred to the list of undefended suit. Mr.Bhandari states that ad-
interim order passed on 29.4.2014 be confirmed as order in this
Notice of Motion because at that stage, the building only had part OC
and he was not aware whether full OC has been received by
defendant no.1 or not. The counsel Mr.Prande for defendant no.1 is
also unable to make any statement in that regard.

5 Therefore, the order passed on 29.4.2014 as regards
defendant nos. 2 to 10 and the undertaking given on behalf of
defendant no.1 is confirmed as an order in this Notice of Motion and
the Notice of Motion accordingly stands disposed.

6 If full OC has been issued to the building Sagar Elegance
and should the need arise, plaintiff is at liberty to move the Court for
further orders.

7 Suit be listed for issues on 11.7.2017 at which time parties to come with agreed draft issues and a separate list of issues on which they are unable to agree.

(K.R.SHRIRAM,J)