

27 February 2017, that his client shall not dispose of the executor's 50% share in the property. This property includes the bank account. It is agreed between the parties that the present Notice of Motion can be disposed of by continuing that statement pending the hearing and final disposal of the Miscellaneous Petition. Accordingly, the Notice of Motion is disposed of by accepting the statement of the Respondent that he will not dispose of 50% share of the executor, i.e. the Petitioner herein, in the estate and credits of the deceased, including the bank accounts referred to in prayer clauses (a) and (b) in the Notice of Motion.

2. Notice of Motion (L) No.310 of 2017 seeks temporary injunction against Meghnath Co-Op. Housing Society Ltd., who is sought to be added as a party Respondent, restraining the society from charging non-occupancy charges in respect of the premises forming part of the estate of the deceased, namely, Flat No.304 in the society, which is presently occupied by the Petitioner as the legal heir of the deceased. The secretary of Meghnath Co-operative Housing Society is present in Court. Consideration of a prayer such as this is outside the scope of the miscellaneous petition. Appropriate remedy in this behalf will have to be sought from the Co-operative Court. The Notice of Motion is, accordingly, dismissed.

3. Place the Miscellaneous Petition for framing of issues and further directions towards the trial of the petition on 7 December 2017.

(S.C. GUPTE, J.)