

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

NOTICE OF MOTION NO.1189 OF 2016

IN

SUIT NO.4651 OF 1994

Smita V. Mehta & Ors.

....Applicants/Plaintiffs

Vs.

Farhat R. Pandor & Anr.

....Defendants

Mr. Janak Dwarkadas, senior advocate a/w. Ms. Lata Jesani i/b. M Mulla Associates for applicants/plaintiffs.

Mr. Zal Andhyarujina a/w. Mr. Harsh Meghani and Mr. Rehmat Lokhandwalal i/b. Chambers of Javed Gaya for defendants.

CORAM : K.R.SHRIRAM, J.

DATE : 20th JULY, 2017

PC.:

1 Mr. Dwarkadas, senior counsel for applicants states that in the affidavit in reply of one Yasmin Dastoor affirmed on 3rd May, 2016 it is stated that “without prejudice to the defendants' rights and contentions however, the defendants, who are currently in possession of the suit property and have been so since 1975, have no intention of alienating the suit property in any manner whatsoever.”

2 In addition, Mr. Andhyarujina, counsel for defendants, on instructions states that if and when defendants change their mind and contemplate alienating the suit property, they would give at least four weeks notice to plaintiffs before they enter into even an MOU with third party. Statement accepted.

3 In view of the statement made in the affidavit in reply and in view of the statement made by Mr. Andhyarujina, which is accepted by this court, the notice of motion stands disposed. Liberty to apply.

(K.R. SHRIRAM, J.)