

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

NOTICE OF MOTION No. 1255 OF 2017

IN

SUIT No. 358 OF 2017

Sudhir Vithal Shirke and Ors.

**....Applicants/
Plaintiffs**

Vs.

Rajani Vithal Shirke

**....Respondent/
Defendant**

Mr. Pankaj Thatte for Applicants/ Original Plaintiffs

CORAM : M.S. SANKLECHA, J.
FRIDAY, 1ST SEPTEMBER, 2017

P.C.

1. None appears for the Respondent. On the last date i.e. 11th August, 2017 also none appeared for the Respondent inspite of notice.
2. The Applicants have filed this suit for partition of the Estate of their father the Late Mr. Vithal Shirke. The Respondent is their step mother and in possession of the suit property being Flat No. B-701, Dinanath Co-operative Housing Society, Sahyognagar, Four Bungalow, Andheri (West), Mumbai.

3. This motion has been taken out to protect the interest of the Plaintiffs in the suit flat i.e. Flat No. B-701, Dinanath Co-operative Housing Society Ltd., Four Bungalows, Andheri (West), Mumbai, pending the disposal of the suit. The Plaintiffs claim 4/5 shares in the estate of their father the Late Mr. Vithal Shirke while the Defendant No.1 being their step mother is entitled to claim 1/5 share in the estate.

4. On 11th August, 2017, an ad-interim order was passed by this Court restraining the Defendants from creating any third party interest in respect of the suit property till final disposal of the suit. Accordingly, the ad-interim relief granted on 11th August, 2017 is now confirmed as an interim relief pending the final disposal of the suit.

5. Notice of motion is disposed of in the aforesaid terms. Liberty to apply.

[M. S. SANKLECHA, J.]