

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

**NOTICE OF MOTION NO.2254 OF 2011
IN
SUIT NO.1697 OF 2011**

N. Bhau (Jwellers) Private Limited ... Plaintiff
Versus

Preeti Nandu Narkar And
Nandu Narkar ... Defendants

Mr. Vishal Kanade a/w Ms Soniya Putta and Mr. Rahul Soman i/b Solomon And Co., for the Plaintiff.

Ms. Rubia Taneja a/w Ms. Shama Taneja for the Defendants.

CORAM : S.C.GUPTE, J.

DATE : 25 JULY 2017

P.C. :

. This Notice of Motion is taken out by the Plaintiff in a title suit seeking a decree of possession in respect of the suit premises from the Defendants. The suit premises consists of Third Floor of a building known as "Bhaskar Mansion", situated on Plot No.25 of Sandhurst Road (West), Mumbai. The Plaintiff claims to be a tenant in respect of the suit premises. It is the Plaintiff's case that under a gratuitous and permissive occupation the mother of Defendant No.1 was originally occupying the suit premises. It is the Plaintiff's grievance that after the death of her mother, Defendant No.1 and her husband, Defendant No.2, have been illegally occupying the suit premises. On the other hand, it is the case of the Defendants that Defendant No.1 is one of the co-owners of the entire building as a legal heir of one Jamnadas Narottamdas Bhau, the original owner in respect of

the building.

2 Learned Counsel for the Plaintiff, in the premises, does not press his prayer for receiver and mesne profits at this stage. Learned Counsel restricts his prayer in the Motion to the interim injunction against the Defendants in terms of the prayer clause -(b). Learned Counsel for the Defendants states that they intend to use the suit premises for themselves and have neither intention to create any third party interest or part with possession of the premises to any third party nor will do so pending the hearing and final disposal of the suit. The statement is accepted. In view of this statement, no further interim relief needs to be considered.

3 Accordingly, the Notice of Motion is disposed of in terms of the statement recorded above and accepted by this Court.

4 Costs to be costs in the cause.

5 The suit to come up for framing of issues on 10 August 2017.

(S.C. GUPTE, J.)