

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

NOTICE OF MOTION NO. 453 OF 2014

IN

SUIT NO. 205 OF 2014

Bharatlal Zuri Singh

...Applicant/Plaintiff

Vs.

Raisaheb Ramlakhan Singh & Ors.

...Defendants

Mr.Cherag Balsara with Aditya Shiralkar and Rajahs Talekar I/b. Karan Vyas for Plaintiff.

Mr.Rajendra Sorankar I/b. Piyush Shah for Defendant No.2.

Mr.M.S. Bhandari I/b. Pranjali Bhandari for Defendant Nos.5 and 6.

CORAM : S.C. GUPTE, J.

DATE : 14 DECEMBER 2017

P.C. :

Heard learned Counsel for the parties.

2 This notice of motion seeks certain protective reliefs in respect of the suit property, namely, two shops, A-15 and A-18 in Kalpita Enclave Society at Andheri, Mumbai, which is claimed to be of the joint ownership of the Plaintiff and Defendant No.2. The joint ownership is claimed by virtue of a family arrangement between the members of the family. This family arrangement is dated 8 October 1993. Admittedly, the suit property stands in the name of Defendant No.2 since the year 1997. The property is currently licensed by Defendant No.2 in favour of Defendant Nos.5 and 6. Originally, the licence was granted in favour of Defendant No.4 and Defendant No.6 is the successor of Defendant No.4. This licence appears to

have been granted sometime in 2004. Since the licence has been granted sometime in the year 2004 and has since been continued, learned Counsel for Defendant No.2 states that as and when the present licence expires, either by renewing the licence or creating the new licence in respect of the suit property, an appropriate order will be sought from this court. The statement is accepted. In view of this statement, no further relief needs to be granted in the notice of motion. The Plaintiff as well as Defendant Nos.1 and 2 have already agreed not to create third party rights in respect of the properties forming part of the suit property. The statement is accepted.

3 Learned Counsel for the Plaintiff prays for deposit of the licence fees into court. Learned Counsel for the Plaintiff prays for leave to seek an appropriate order in respect of the deposit into court of any licence fee in respect of any renewal or creation of new licence, as and when the same is applied for. The Plaintiff will be at liberty to do so. The notice of motion is disposed of accordingly.

4 All rights and contentions of the parties in respect of the other properties are concerned, are kept open.

5 There is a companion notice of motion, which is seeking relief in perjury. Let that notice of motion, namely, Notice of Motion No.1976/2017, come up in due course.

(S.C. Gupte, J.)