

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

**NOTICE OF MOTION NO.3133 OF 2009
IN
SUIT NO.1282 OF 1997**

Smita Raj Laliwalia & Anr.Plaintiffs/Applicants

V/s.

Jayesh D.Goragandhi & Anr.Defendants

Ms.Radha Ved a/w Mr.Sanjay Udeshi i/by M/s.Sanjay Udeshi & Co.
for plaintiffs/applicants.

None for defendants.

**CORAM : K.R.SHRIRAM,J
DATE : 4.5.2017**

P.C.:-

1 Mr.Sanjay Udeshi appearing for the plaintiffs/applicants states that there are 2 other matters between the same parties which are directed to be tagged but the same have not been tagged. In my view, that cannot come in the way of hearing this Notice of Motion. I am informed that defendant no.1 is the only contesting defendant. Mr.Udeshi states that plaintiff no.2 has expired and the legal heirs of plaintiff no.2 are not represented by Mr.Udeshi. Mr.Udeshi states that he will take instructions as to what is to be done of legal heirs of plaintiff no.2.

2 At the same time, what the plaintiffs are seeking is to restrain the defendant no.1 from creating any 3rd party rights with

respect to the properties mentioned at Exh.A, C & D of the plaint. The suit itself has been filed in 1997. Notice of Motion itself has been taken out in 2009. Mr.Udeshi states that this Notice of Motion came to be taken out because the Court Receiver who has been appointed in respect of all the properties mentioned at Exh.A, C & D has filed a report stating that the defendant no.1 is carrying out illegal repairs.

Mr.Udeshi states that no application for ad-interim relief was moved. It is now almost 8 years the Notice of Motion has been lodged. No urgency was shown 8 years ago. In any event, Court Receiver is already in possession of the properties. Therefore, Notice of Motion dismissed.

(K.R.SHRIRAM,J)