

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
TESTAMENTARY AND INTESTATE JURISDICTION**

NOTICE OF MOTION NO.220 OF 2016

IN

TESTAMENTARY SUIT NO.77 OF 2015

IN

TESTAMENTARY PETITION NO.1605 OF 2013

Mrs. Geeta Harish Bhatia

....Applicant/Org. Def. No.3

IN THE MATTER BETWEEN :

Mr. Kaushal Ramdas Sampat

....Plaintiff

Vs.

Ramdas Ranchhoddas Sampat and Ors.

....Defendants

Mr. Arashad Haindaday i/b. Adv. Nipa Shah for plaintiff.

Mr. Kaushal Ramdas Sampat, plaintiff present in person.

Mr. Bhushan Deshmukh i/b. Mr. U.P. Warunjikar for defendant no.1.

Ms. Y.Y. Naik for defendant nos.2 and 3/applicant.

CORAM : K.R.SHRIRAM, J.

DATE : 5th APRIL, 2017

P.C.:

1 Mr. Haindaday, counsel for plaintiff, on instructions from plaintiff, who is present in court, undertakes that the plaintiff will not dispose off or create third party rights or encumber or part with possession with respect to flat no.4, 'D' Wing, Shree Rajesh Nagar Co-operative Housing Society Limited, Near J.B. Khot School, Saibaba Nagar, Borivali (West), Mumbai – 400 092. The counsel for plaintiff, on instructions from plaintiff further states that the plaintiff will pay a sum of Rs.5,000/- per month to defendant no.3 until the hearing and final disposal of this suit, without prejudice to his rights and contentions, as compensation.

Undertakings accepted and so ordered.

2 This amount to be paid with effect from 1st April, 2017 and will be paid on or before 10th of every month by way of cheque/RTGS/NEFT in favour of defendant no.3.

3 In view of the above, the notice of motion stands disposed.

4 On 15th February, 2017 the notice of motion bearing no.169 of 2016 was disposed in terms of prayer clauses – (a), (b) and (c). Mr. Haindaday and Ms. Naik state that in view of the order passed on 15th February, 2017 allowing the notice of motion in terms of prayer clauses – (a), (b) and (c), even the credits into those accounts having been stopped and there are various amounts which normally come into that accounts directly by way of dividend or otherwise. Mr. Haindaday and Ms. Naik request that it be clarified that the bank should permit the credits into those accounts.

5 I find the request very reasonable and no prejudice will be caused to any parties. Therefore, it is clarified that the bank should permit all credits into those accounts.

6 Suit be listed for directions on 19th June, 2017.

(K.R. SHRIRAM, J.)