

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

**NOTICE OF MOTION NO.3061 OF 2010
IN
SUIT NO.2845 OF 2010
WITH
SUIT NO.2845 OF 2010**

Pravin R.Gupta

....Plaintiff

V/s.

Rajendraprasad H.Gupta & Ors.

....Defendants

Ms.Hetal Master a/w Mr.A.B.Sharma i/by Ashwin Ankhad & Associates for the plaintiff.

Mr.Aloukik Pai a/w Mr.Tejas Luniya i/by Thodur Law Associates for defendant nos.1, 2 & 3 to 9.

**CORAM : K.R.SHRIRAM,J
DATE : 2.2.2017**

P.C.:-

1 Mr.Pai for defendant nos.1, 2 & 3 to 9 on instructions and Ms.Hetal Master for the plaintiff state that there is a connected Testamentary Suit bearing No.101 of 2009 which has progressed and evidence is being recorded. Mr.Pai states that if that suit is concluded and if the plaintiff therein succeeds in getting a Probate, even this suit will come to an end since the property of which administration is sought by the plaintiff is common. Both the counsel state that the ad-interim order that was granted on 27.10.2010 read with order dated 13.12.2010 be extended until hearing and final disposal of the Testamentary Suit No.101 of 2009 depending upon

the out come of the said Testamentary Suit, it will be open for the parties to move this court for appropriate reliefs at that stage.

2 Mr.Pai seeks liberty to move this court for appropriate reliefs should the circumstances relating to the properties change. Such liberty is not required since the parties are always free to move the court for appropriate reliefs based on changed circumstances.

3 It is also clarified that so far as property at serial no.1 at Exh.C to the plaint is concerned, that is the flat in which defendant no.1 is residing, if any repairs or renovations are required, defendant no.1 is free to carry out the same but no structural alterations shall be carried out.

 In view of the above, Notice of Motion stands disposed accordingly.

4 By consent, this suit is tagged along with Testamentary Suit No.101 of 2009.

(K.R.SHRIRAM,J)