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

**NOTICE OF MOTION NO. 586 OF 2016
IN
SUIT NO. 3374 OF 2008**

M/s Tirumala Construction	...Applicant/Plaintiff
vs	
Dinaben Himatlal Jhaveri @ Dinaben Bhupendrabhai Parikh & Ors.	...Defendants

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Mr Virag Tulzapurkar, Sr. Counsel a/w Ms Helina Desai, Mr
Manish Vora i/b Wadia Ghandy & Co. for the Applicant/Plaintiff
Ms Sandhya A. Mailagir i/b Deepak J. Lulia for Defendant Nos.
1(e) and 2.

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CORAM : **B.P.COLABAWALLA, J.
NOVEMBER 23, 2017.**

P.C.:

This Notice of Motion has been filed seeking an order and injunction restraining the Defendants from in any manner disposing of, parting with possession of, transferring, alienating, encumbering, dealing with or putting up any construction on or altering the status of or entering into any agreement or arrangement with anyone in respect of the Suit Property as more particularly described in Exh "B" to the plaint. When this

Motion was heard at the ad-interim stage, by an order dated 1st October, 2015, the advocate appearing on behalf of Defendant Nos.1(e) and 2 made a statement that they do not desire to sell, alienate, encumber or create any third party rights in the suit property pending the suit. That statement was accepted by the Court. As far as the other Defendants were concerned and who were not represented on the said date, this Court ordered that they too shall not sell, alienate, encumber or create any third party rights in respect of the suit property until further orders. Defendant Nos.1(a) to 1(d) who were not present when the ad-interim order was passed were granted liberty to file an application for vacating the injunction order. No such application has been made by Defendant Nos. 1(a) to 1(d) and even today they are not present before this Court. Learned advocate appearing on behalf of Defendant Nos.1(e) and Defendant No.2 states that the statement made and recorded in the order dated 1st October, 2015, shall continue till the disposal of the suit. This statement is accepted.

3 As far as the other Defendants are concerned, they also shall not sell, alienate, encumber or create any third party rights

in respect of the suit property more particularly described in Exh “B” to the plaint till the hearing and final disposal of the present suit. The Notice of Motion is made absolute in the aforesaid terms and is disposed of accordingly. No costs.

(B. P. COLABAWALLA, J.)