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IN THE HIGH COURT OF JUDICATURE AT BOMBAY

ORDINARY ORIGINAL CIVIL JURISDICTION

NOTICE OF MOTION NO.1690 OF 2015

IN

SUIT NO.832 OF 2013

Anirudh S. Tapuriah And 2 Ors. ...Plaintiffs

vs

Shyam Sunder Tapuriah And 9 Ors. ...Defendants

.....

Mr. Satyajeet Mirajkar, i/b. Kiran Jain & Co., for the Plaintiffs/Applicants.

Mr. Shashank Fadia, for Defendant No.9.

.....

CORAM : S.C. GUPTE, J.

DATED : JANUARY 23, 2018

P.C. :

. Heard learned Counsel for the parties. This Notice of Motion seeks a temporary injunction against Defendant No.9, who is a bank, from disposing of the suit flat. Defendant No.9 has already sold the suit flat in pursuance of securitisation proceedings. In fact, on the basis of this very sale, a Chamber Summons has been taken out by the Plaintiffs for impleading the third party purchaser as a party to the suit. The Notice of Motion is, accordingly, rendered infructuous. As and when the Plaintiffs seek to pray for any relief against the proposed Defendant Nos. 11 and 12, they will be at liberty to take out an appropriate interim application. Learned Counsel for the Plaintiffs submits that the motion may not be disposed of as of now, since his clients' belongings are lying in the suit flat. Learned Counsel for Defendant No.9 states that the belongings have been kept in a different location, since the flat was sold in securitisation

proceedings and possession was to be given to the third party purchaser. Learned Counsel submits that in fact a requisition has been made on the Plaintiffs to collect their belongings. The Plaintiffs are at liberty to act on this requisition and in the event of their failure to receive the belongings, may take out an appropriate interim application to retrieve and recover their belongings. As of now there is no prayer concerning these belongings in the Plaintiff's Notice of Motion.

2. Accordingly, the Notice of Motion is disposed of as infructuous. No order as to costs.

3. Chamber Summons No.554 of 2017 to come up for hearing on 14 February 2018. Replies, if any, by the existing Defendants as well as the proposed Defendants to be filed and served on the Plaintiffs latest by 6 February 2018.

(S.C. GUPTE, J.)