

IN THE HIGH COURT OF JUDICATURE AT BOMBAY

ORDINARY ORIGINAL CIVIL JURISDICTION

NOTICE OF MOTION NO.668 OF 2016

IN

SUIT NO.670 OF 2015

Shri Jayesh Devidas Kansara

...Applicant/Plaintiff

vs

Smt. Surajbala Devidas Kansara & Ors.

...Defendants

.....

Mr. H K Vazirani for Plaintiff/Applicant.

None for the Defendants.

....

CORAM : S.C. GUPTE, J.

DATED : 22 FEBRUARY 2018

P.C. :

Heard learned counsel for the plaintiff. The Defendants are absent. Even on the last occasion, i.e. on 6th February, 2018, none appeared for the Defendants to show cause. This motion is taken out in a partition suit. The Plaintiff claims to be 1/3rd owner of the suit property, claiming his share from a common predecessor of the Plaintiff and the Defendants. On the basis of the pleadings of the parties and the submissions made across the Bar, a *prima facie* case is made out for protecting the Plaintiff's purported 1/3rd share during the pendency of the suit. Accordingly, pending the hearing and final disposal of the suit there will be an injunction in terms of prayer clause (a) of the Notice of Motion. The Notice of Motion is disposed off.

(S.C. GUPTE, J.)