

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

NOTICE OF MOTION NO.566 OF 2012

IN

SUIT NO.472 OF 2012

Natasha D'Souza ... Applicant/Plaintiff
Versus
Sandra De Sa Souza And Anr. ... Defendants

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Mr. J.S. Kini, a/w. Ms. Sapna Krishnappa, i/b. Mr. Suresh Dubey, for the Plaintiff/Applicant.

Ms. K.R. Daviervalva and Mr. Yazdi P. Jijina, i/b. Mulla & Mulla & Craigie Blunt & Caroe, for Defendant No.1.

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CORAM : S.C.GUPTE, J.

DATED : 25 SEPTEMBER 2018

P.C.:

. Heard learned Counsel for the parties. The only prayer in this motion, which is pressed by learned Counsel for the Plaintiff, is prayer clause (d), which seeks a temporary injunction restraining the Defendants from disturbing the Plaintiff's possession of the suit flat. It is not in dispute that the Plaintiff is a joint owner in respect of the suit flat. The share certificate of the society, in which the suit flat is situated, is in the joint names of the Plaintiff and Defendant No.1. It is also not in dispute that the Plaintiff is in occupation of the suit flat. On these facts and considering the apprehension voiced by the Plaintiff, an interim injunction in terms of prayer clause (d) must follow. Accordingly, the notice of motion is made absolute in terms of prayer clause (d).