

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

**NOTICE OF MOTION NO.636 OF 2013
WITH
NOTICE OF MOTION NO.575 OF 2018
IN
SUIT NO.7 OF 1995**

Mrs. Manjula Agerwala and Ors.Plaintiffs

Vs.

M/s. Herdillia Chemicals LimitedDefendants

Mr. Haresh M. Jagtiani, senior advocate a/w. Ms. Pooja Jalan I/b. Ms. Pooja Jalan for plaintiffs.

Mr. Atul Daga a/w. Mr. Sujit Suryawanshi I/b. Vigil Juris for defendant no.2.

CORAM : K.R.SHRIRAM, J.

DATE : 28th AUGUST, 2018

P.C.:

NOTICE OF MOTION NO.636 OF 2013

1 Mr. Daga, counsel for defendant no.2 states that defendant no.2 shall not sell or hand over possession or create any third party rights in respect of the said flat without leave of the Court. Statement accepted.

2 In view of the statement made by Mr. Daga, notice of motion stands disposed.

NOTICE OF MOTION NO.575 OF 2018

1 Mr. Daga and Mr. Jagtiani jointly make a statement that so far as Sonmarg premises is concerned, plaintiffs will pay the society outgoings and so far as flat no.33 in Blue Heaven Co-operative Housing Society

Limited is concerned, defendant no.2 shall pay the society outgoings. Both counsel state that if there has been a default in payment of society dues, all outstanding will be paid within four weeks from today to the society and that will include any interest or penal charges being raised by the society. Both counsel also state that thereafter, until the hearing and final disposal of the suit, both parties will continue to pay the society dues and will not commit any default. The statements recorded above are without prejudice to the rights and contentions of the parties in the suit.

2 Notice of motion accordingly stands disposed.

3 Mr. Jagtiani states that evidence of plaintiffs' first witness has already been filed alongwith compilation of documents. Inspection also has been given. Mr. Daga states that by tomorrow, i.e., 29th August 2018 defendant no.2 will forward a statement of admission and denial with reasons for denial.

4 Stand over to 6th September 2018 for marking of documents/ recording of evidence on which date plaintiffs' first witness shall remain present in Court.

(K.R. SHRIRAM, J.)

Gauri
Amit
Gaekwad
Digitally
signed by
Gauri Amit
Gaekwad
Date:
2018.08.30
11:57:45
+0530