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IN THE HIGH COURT OF JUDICATURE AT BOMBAY

ORDINARY ORIGINAL CIVIL JURISDICTION

NOTICE OF MOTION NO.1821 OF 2016

IN

SUIT NO.592 OF 2016

Manjit Singh Jodh Singh Abrol & Anr. ...Plaintiffs

vs

Arun Jackson James And 2 Ors. ...Defendants

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Ms. Deepa Pohuja, a/w. Ms. Pratibha Rupnawar, i/b. M/s. J. Law Associates,
for the Applicants/Plaintiffs.

None for the Defendants.

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CORAM : S.C. GUPTE, J.

DATED : 19 APRIL, 2018

P.C. :

. The motion was kept back in the morning session since none appeared for the Defendants. In the afternoon session, when it is called out again, none appears for the Defendants. The motion, taken out by the Plaintiffs, seeks two reliefs. The first pertains to possession of the suit property through a receiver and the second is a temporary injunction, restraining the Defendants from creating any third party rights in respect of the suit property. By an order dated 2 May 2016, ad-interim relief in terms of the temporary injunction was granted in favour of the Plaintiffs. The Plaintiffs were also directed to maintain status-quo in respect of the suit property till 20 June 2016. As far as the Plaintiffs are concerned, the status-quo operated till 20 June 2018 and has not been extended thereafter. As for the Defendants, learned Counsel for the Plaintiffs submits that Defendant

Nos. 1 and 2, who were in possession of the suit flat, have handed over the same to the Plaintiffs for redevelopment. The Plaintiffs, in turn, have accepted these Defendants as tenants and have entered into an agreement for alternative permanent accommodation with them on 21 July 2017. Since the possession has already been surrendered to the Plaintiffs, the first prayer for appointment of receiver and possession of the suit flat does not survive. As far as the second prayer, namely, the interim injunction against creation of third party rights, is concerned, the ad-interim order passed on 2 May 2016 is continued pending the hearing and final disposal of the suit.

2. It is clarified that there is no restraint against the Plaintiffs for creation of third party rights in respect of the suit property. So also, there is no status-quo order operating against them. The notice of motion is disposed of.

(S.C. GUPTE, J.)