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IN THE HIGH COURT OF JUDICATURE AT BOMBAY

ORDINARY ORIGINAL CIVIL JURISDICTION

NOTICE OF MOTION NO.674 OF 2014

IN

SUIT NO.407 OF 2014

Virstine Yazdanparast

...Plaintiff

vs

Roxana Miki Buhariwala And 2 Ors.

...Defendants

.....

Mr. Karl Tamboly, a/w. Ms. Sneha Rao, Ms. Neha Kodape and Ms. Niyati Vakil, for Tyabji Dayabhai on behalf of Applicant (Original Plaintiff.)

Mr. Ronnie Mirza, a/w. Ms. Hemangi Chavan, for Defendant No.1.

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CORAM : S.C. GUPTE, J.

DATED : 08 FEBRUARY, 2018

P.C. :

. This Notice of Motion is taken out by the Plaintiff/Applicant in an administration suit. At this moment, we are concerned with a property forming part of the estate of the deceased, which is at Khandala. The property is described in para 3 of the affidavit in support of the notice of motion and referred to as the suit property. It appears that the Plaintiff, as one of the legal heirs of the deceased, has issued an advertisement calling for offers for purchase of the suit property. Before issuing this advertisement, a valuation report has been obtained by the Plaintiff. Learned Counsel for Defendant No.1 states that his client, firstly, shall not transfer, sell, assign or create any third party right in, or part with possession of, the suit property and, secondly, she will allow inspection of the suit property by the Plaintiff/Applicant or any third party purchasers brought by them for purchase of the suit property, provided an adequate notice is given to her.

The statements are accepted. Defendant No.1, in keeping with these statements, shall permit the Plaintiff or her representative as also third parties named by the Plaintiff to visit the suit premises for the purpose of inspecting the same so as to formulate an offer for purchase of the suit property. The Plaintiff shall give a notice of 72 hours every time the property needs to be inspected by the Plaintiff or her representative or any third party named by her. The motion is disposed of. Liberty to apply.

(S.C. GUPTE, J.)