

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

**NOTICE OF MOTION NO. 1101 OF 2013
IN
SUIT NO. 538 OF 2013**

A. H. Wadia Trust and Ors. **... Applicants**

IN THE MATTER BETWEEN

A. H. Wadia Trust and Ors. **... Plaintiffs**

V/s.

Bhikubai Hormusji Baruwala & Anr. **... Respondents**

Mr.Yahya Gogari alongwith Ruchit Dave I/by Vigil Juris for the
Applicants/Plaintiffs.

**CORAM : S.C. GUPTE, J.
DATE : 26th SEPTEMBER, 2018**

P.C.:

. This notice of motion is taken out in a suit filed by the Plaintiffs, who are Trustees of a Public Charitable Trust registered under the Bombay Public Trust Act, 1950, for a declaration that the documents including a Deed of Assignment, Power of Attorney and declaration issued by Defendant No.1 in favour of Defendant No.2, are null and void and for delivery up and cancellation of the documents.

2 By the present Notice of Motion, the Plaintiffs seek an interim injunction

restraining the defendants from creating third party rights in respect of the suit property. The Notice of Motion has been duly served on the defendants and an affidavit in proof of service dated 19.08.2014 has been duly filed in the motion. Defendant No.2, who is the Developer in whose favour the suit documents have been executed by Defendant No.1, has been represented in the suit by an Advocate. None of the defendants appears or shows cause. There is no reply to the notice of motion. On these facts, interim relief in respect of further third party rights in the suit property is in order. Accordingly, the notice of motion is made absolute in terms of prayer clause (b) and disposed of.

3. Place the suit for direction on 25.10.2018.

(S.C. GUPTE, J.)