

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

NOTICE OF MOTION NO.1754 OF 2008
WITH
NOTICE OF MOTION NO.3103 OF 2008
WITH
CHAMBER SUMMONS NO.1359 OF 2000
IN
NOTICE OF MOTION NO.1123 OF 2000
WITH
CHAMBER SUMMONS NO.1360 OF 2000
IN
NOTICE OF MOTION NO.1110 OF 2000
WITH
CHAMBER SUMMONS NO.922 OF 2009
WITH
CHAMBER SUMMONS (L) NO.63 OF 2016
WITH
NOTICE OF MOTION NO.764 OF 2016
WITH
NOTICE OF MOTION NO.2253 OF 2016
IN
SUIT NO.2231 OF 1986

Raghunath Namdeo Nikam and Ors.Plaintiffs

Vs.

Smt. Padmavati Mohanlal Parekh and Ors.Defendants

Mr. Mohan Tekavde a/w. Ms. Swati Tekavde I/b. Mukesh Subramaniam for plaintiffs.

Mr. Harpreet Singh a/w. Mr. Datta Pawar for applicant in CHSL/63/2016.

Mr. Madhav J. Jamdar for applicant in NMS/1754/2008.

None for applicant in NMS/3103/2008.

Mr. M.S. Bhandari I/b. Mr. Jitendra Ranawat for defendant nos.2A to 2D, 3 to 19.

Mr. Chetan Mhatre I/b. Utangale and Co. for MMRDA.

Mr. Sandeep Patil for MCGM.

CORAM : K.R.SHRIRAM, J.

DATE : 28th AUGUST, 2018

P.C.:

NOTICE OF MOTION NO.1754 OF 2008

1 This notice of motion has been lodged in 2008. On 22nd July 2008 this Court has passed an ad-interim order in terms of prayer clause – (b) only against respondent no.1. Nobody is present for respondent no.1.

2 Mr. Jamdar, counsel for applicant states that this order can be confirmed as an order in notice of motion and notice of motion be disposed.

3 It has to be noted that for 10 years applicant has enjoyed this order and respondent no.1 has suffered. The suit has already progressed further. In the circumstances, the order passed on 22nd July 2008 is confirmed as order in notice of motion and notice of motion accordingly disposed.

NOTICE OF MOTION NO.3103 OF 2008

1 None for applicant. Moreover in view of order passed by this Court in notice of motion no.1754 of 2008, nothing remains in this notice of motion.

2 Notice of motion dismissed.

CHAMBER SUMMONS NO.1359 OF 2000

Wrongly on board in view of order dated 15th December 2003.

CHAMBER SUMMONS NO.1360 OF 2000

Wrongly on board as this chamber summons has been dismissed by an order dated 13th March 2001.

CHAMBER SUMMONS NO.922 OF 2009

Wrongly on board. The counsel for plaintiffs states that this chamber summons has already been disposed by an order dated 11th November 2013. In any event, none for applicant.

CHAMBER SUMMONS (L) NO.63 OF 2016

1 Mr. Bhandari states that he has not been served a copy of this chamber summons. I notice that the chamber summons has been lodged on 12th January 2016. More than 2 ½ years have passed.

2 Therefore, chamber summons dismissed for want of prosecution.

NOTICE OF MOTION NO.764 OF 2016

1 The same party had taken out identical notice of motion no.1754 of 2008.

2 Prayer clauses – (a) and (b) are identical to the prayer clauses – (a) and (b) in the said notice of motion. It makes not difference that in this notice of motion applicant has added a third prayer. Applicant having already lodged a notice of motion no.1754 of 2008, in which identical reliefs have been sought, could not have taken out this notice of motion for the same reliefs. This is nothing but an attempt to overreach the Court having obtained only an ad-interim relief in prayer clause – (b) in 2008.

This conduct of applicant has to be condemned.

3 Notice of motion dismissed.

NOTICE OF MOTION NO.2253 OF 2016

1 Notice of motion has been lodged in 2016 and no ad-interim relief also has been applied for. No case is made out as to what was not necessary in 2016 in a suit filed in 1986 becomes necessary today.

2 Notice of motion dismissed.

SUIT NO.2231 OF 1986

1 The counsel for plaintiffs states that pleadings in the suit are completed but issues are yet to be framed.

2 Stand over to 17th September 2018 for issues on which date parties to come with agreed draft issues and a separate list of issues on which they are unable to agree. In the meanwhile, parties to file their respective affidavit of documents, complete discovery and inspection and also exchange their statement of admission and denial with reasons for denial.

3 This is a suit filed 32 years ago in 1986. Therefore, parties are put to notice that no extension on any ground including Ganesh Chaturthi Festival will be accepted. It is made clear that if the affidavit of documents is

not filed or inspection is not given, none of the parties will be allowed to rely on any documents apart from those documents which are annexed to the plaint or written statement or mentioned in the list of documents annexed thereto.

Gauri
Amit
Gaekwad

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signed by
Gauri Amit
Gaekwad
Date:
2018.08.30
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(K.R. SHRIRAM, J.)