

Atul

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

SUIT NO. 574 OF 2015

WITH

NOTICE OF MOTION NO. 1203 OF 2015

AND

NOTICE OF MOTION NO. 574 OF 2016

AND

NOTICE OF MOTION NO. 570 OF 2016

AND

NOTICE OF MOTION ON. 571 OF 2016

AND

NOTICE OF MOTION NO. 742 OF 2018

AND

NOTICE OF MOTION NO. 751 OF 2018

Pushpa Bhadrakumar Savjani & Anr	...Plaintiffs
<i>Versus</i>	
Samir Bhadrakumar Savjani & Ors	...Defendants

Mr Ankit Lohia, *with Swapna Roopavate & Deepa Bisht, i/b Tushar Goradia, for the Plaintiff.*

Mr MM Vashi, Senior Advocate, *with Bhavesh Parmar, i/b DP Shukla & V Yadav, for Defendants Nos. 1 and 2.*

Mr Christine Wilson, *i/b Dushyant Purekar, for Defendant No. 3.*

CORAM: G.S. PATEL, J

DATED: 12th September 2018

PC:-

1. There are seven different interim applications pending. Not all of them survive. By this order, I propose to identify those that will continue and remain pending and those that can be disposed of, have become infructuous, or no longer survive:

I) Notice of Motion No. 1203 of 2015

2. This Notice of Motion is filed by the Plaintiff for injunction and other reliefs. It will continue and is kept pending.

II) Notice of Motion No. 574 of 2016

3. This Notice of Motion is filed by the 1st Defendant seeking inspection and appointment of a Court Commissioner. This will no longer survive and it is disposed of accordingly.

III) Notice of Motion No. 571 of 2016

4. This Notice of Motion is filed by the 2nd Defendant and overlaps some of the reliefs sought in the 1st Defendant's Notice of Motion No. 574 of 2016. Specifically, Defendants Nos. 1 and 2 seek that they be given copies of the photographs and measurements taken and made by M/s. Nadkarni & Co. when inspecting, valuing and measuring the flat.

5. The registry will make available these copies to the advocates for all the parties upon payment of necessary copying/printing charges. This is sufficient to dispose of the Notice of Motion No. 571 of 2016.

IV) Notice of Motion No. 570 of 2016

6. This Notice of Motion is filed by the 2nd Defendant. It is not pressed. The Notice of Motion is disposed of in these terms.

V) Notice of Motion No. 1893 of 2017

7. This Notice of Motion was already disposed of by an order dated 14th August 2018.

VI) Notice of Motion No. 742 of 2018

8. This Notice of Motion is filed by the 1st Defendant seeking an order that the Suit should not be allowed to be withdrawn without the consent of Defendants Nos. 1 and 2 and for orders of transposition, if necessary. Now that the original 2nd Plaintiff is the 3rd Defendant, there can be no such apprehension.

9. Further, there can be no question in a suit for partition of allowing the suit to be withdrawn simpliciter since every party is equally a Plaintiff to such a cause.

10. This Notice of Motion is infructuous and is disposed of as such.

VII) Notice of Motion No. 751 of 2018

11. This Notice of Motion is filed by the 1st Defendant *inter alia* for the appointment of a Court Commissioner and other reliefs. This Notice of Motion will remain pending.

12. All Affidavits in Reply in this Notice of Motion are to be filed and served on or before 12th October 2018. Affidavit in Rejoinder, if any, is to be filed and served on or before 19th October 2018.

13. In the next listing, the Court Associate and the Board Department will ensure that the Notices of Motion that are disposed of are not listed on board.

(G. S. PATEL, J)