

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

NOTICE OF MOTION NO. 18 OF 2015

IN

SUIT NO. 18 OF 2015

Pravinbhai Babaldas Shah

...Plaintiff/Applicant

Vs.

Rajendrabhai Mangaldas Shah & Ors.

...Defendants

AND

NOTICE OF MOTION NO. 19 OF 2015

IN

SUIT NO. 10 OF 2015

Bharati alias Alka Mahendra Vakharia & Anr.

...Plaintiffs/Applicants

Vs.

Rajendrabhai Mangaldas Shah & Ors.

...Defendants

Mr.Sean Wassoodew for Plaintiffs.

Mr.Atul Damle, Senior Advocate I/b. Sanjay Gawade for Defendant No.1.

Mr.K.P. Shah for Defendant No.2.

Mr.Anirban Tripathy for Defendant Nos.3 to 5.

Mr.Dharmesh Jain for Defendant Nos.6 to 9.

CORAM : S.C. GUPTE, J.

DATE : 16 JANUARY 2018

P.C. :

These two suits are, respectively, for partition of property and declaration, and separate possession of the Plaintiffs' share. There is an ad-interim statement made by learned Counsel for Defendant No.1 in terms of prayer clause (b) of the notices of motion. Learned Counsel for Defendant No.1 is agreeable to continue the statement pending the hearing and final

disposal of the suit.

2 Learned Counsel for the Plaintiffs is satisfied with the protection offered by the statement as an interim order in the suit.

3 Accordingly, the notices of motion are disposed of by accepting the statement of learned Counsel for Defendant No.1 in terms of prayer clause (b) in Notices of Motion No.18/2015 and 19/2015. The motions are disposed of accordingly.

4 The issues have been framed in the suit and the Plaintiffs have also filed their affidavits of evidence in lieu of examination in chief. The Defendants are permitted to file their respective affidavits of documents along with compilation within two weeks from today. Place the suit for marking of the Plaintiffs' documents on 1 February 2018.

(S.C. GUPTE, J.)