

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

NOTICE OF MOTION NO.679 OF 2019

WITH

NOTICE OF MOTION (L) NO.528 OF 2019

IN

SUIT NO.24 OF 2018

Sakshi Anand Jaisingh & Ors.)....Applicants/Plaintiffs

V/s.

Anand Shamsunder Jaisingh & Anr.)....Defendants

Mr.Piyush Raheja a/w Mr.Feroze Patel, Sameer Patel and Ms.Aditi Bhat I/by Markand Gandhi and Co. for plaintiffs/applicants.

Ms.Nidhi Chheda I/by Thodur Law Associates for defendant no.1.

CORAM : K.R.SHRIRAM,J

DATE : 11.3.2019

P.C.:-

1. Mr.Raheja is seeking prayer clause (h) at this stage.

Mr.Raheja states that item-5 in the schedule to the Notice of Motion has already been granted earlier and what remains is item nos.1, 2, 3 & 4 which are annual payments.

2. Ms.Chheda for defendant no.1 states that since these are annual payments, her instructions are to agree to grant prayer clause-(h) and related item nos.1, 2, 3 & 4 of the schedule.

3. In the circumstances, prayer clause-(h) which reads as under, is granted.

“(h) That pending the hearing and final disposal of the present suit, this Hon'ble Court permit the Applicant to make various expenses as are more particularly mentioned in the schedule to the Notice of Motion from the monies deposited by Mr.Vijay Kamdar pursuant to the Order dated 20th July, 2018 read with 27th July, 2018 passed by this Hon'ble Court (which are annexed at Exhibit I and J to the Affidavit in support of Notice of Motion)

4. Item nos.1,2, 3 & 4 read as under :-

Sr.No.	Particulars	Amount (Rs.)	Exhibit annexed to the Affidavit in support to the Notice of Motion
1	Plaintiff No.2 School Fees (Yearly) IB-Class X (2019-2020)	4,70,850/-	“K”
2	Plaintiff No.3 School Fees (Yearly) Class VII	Approximate 2,50,000/-	
3	LIC Premium of Minor Plaintiff No.2	20,526/-	“L”
4	LIC Premium of Minor Plaintiff No.3	27,663/-	“L”

5. The total amount of Rs.7,69,039/- to be paid by Prothonotary & Senior Master to plaintiff no.1 from the amount lying deposited in this Court. If any security has to be foreclosed,

Prothonotary & Senior Master will do so and invest the balance amount once again in fixed deposit with a national bank.

6. In view of the above order, by consent, Notice of Motion stands disposed.

NOTICE OF MOTION (L) NO.528 OF 2019

1. Ms.Chheda for defendant no.1 has no objection to the grant of prayer clauses-(a) to (e) of this Notice of Motion which read as under :-

“(a) That pending the hearing and final disposal of the present suit, this Hon'ble Court be pleased to issue the necessary directions to permit the Applicant being the original Plaintiff No.1 to execute and register a leave and license Agreement apropos Flat No.A/B, 1st floor, Navyug Mansion, Sleater Road, Grant Road, West, Mumbai-400007 in favour of proposed Llicensee Mr.Chandrabhushan Singh for Rs.63,000/- (Rupees Sixty Three thousand) per month for a period of 2 years with a security deposit of Rs.2,00,000/- (Rupees Two Lakhs only) or on such terms as the parties may mutually decide or on such other terms as this Hon'ble Court deems fit and permit the Applicant to deposit the amounts to received be thereunder in the Joint Account of the Applicant and Defendant No.2 being Account No.024751100000786 at YES Bank, Napensea Road Branch, Mumbai ;

(b) That pending the hearing and final disposal of the present suit, this Hon'ble Court be pleased to allow the Applicant to repay the interest free Security Deposit of

Rs.1,25,000/- to the outgoing Licensee of Flat No.A/B, 1st floor, Navyug Mansion, Sleater Road, Grant Road, West, Mumbai-400007 from the monies to be received from the Prospective Licensee towards his interest free security deposit ;

(c) That pending the hearing and final disposal of the present suit, this Hon'ble Court be pleased to permit the Applicant to withdraw necessary monies from the Joint Account of the Applicant and Defendants No.2 being Account No.024751100000786 at YES Bank, Napensea Road Branch, Mumbai in order to enable the Applicant to meet the expenses of stamp duty, registration and other expenses as may be required to get the aforementioned Leave and License Agreement duly stamped registered ;

(d) That the Hon'ble Court permit the Applicant to execute Leave and License Agreements on behalf of the Minor Plaintiffs as their Natural Guardian ;

(e) That pending the hearing and final disposal of the present suit, this Hon'ble Court be pleased to permit the Applicant to withdraw an amount of Rs.43,500/- towards the carpenter charges for providing and fixing of a partition and door in respect of the Shop No.14/15 of Navyug Mansion CHSL situated at Sleater Road, Grant Road, West, Mumbai-400007 from the aforesaid Joint Account of the Applicant and Defendant No.2 i.e., Account No.024751100000786 at YES Bank, Napean Sea Road branch, Mumbai.”

2. Notice of Motion accordingly stands disposed.

(K.R.SHRIRAM,J)