

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

**NOTICE OF MOTION NO. 1790 OF 2015  
WITH  
NOTICE OF MOTION NO. 411 OF 2016  
IN  
SUIT NO. 97 OF 2014**

Mrs. Bansri Anilkumar Khimji .....Plaintiff  
V/s.  
Mr. Himat Bhagwandas Babla and ors. ....Defendants

Mr. Joel Carlos a/w. Aekaanta Nair I/b. K. Ashar and Co. for the  
plaintiff.  
Mr. Paritesh Jaiswal a/w. Rubin Vakil I/b. S.H. Bohra for  
defendant nos.1 and 2.

**CORAM: SMT. ANUJA PRABHUDESSAI, J.  
DATED : 10<sup>th</sup> APRIL, 2019.**

**P.C.:**

. The dispute in the present case is in respect of the Flat No.303,  
3<sup>rd</sup> floor, Vikram Apartment, Janki Vikram Co-operative Housing  
Society Ltd., Mumbai – 400 054.

2. In the course of hearing of the above Notice of Motions, Mr.  
Paritesh Jaiswal, learned counsel for defendant nos.1 and 2 has made a  
statement that the defendant nos.1 and 2 do not intend to transfer,  
assign, sell, alienate, encumber or create third party rights or handover  
possession or induct third parties in the suit properties or any part  
thereof without prior permission of the Court.

3. The learned counsel for defendant nos.1 and 2 has also made a statement that the defendant nos.1 and 2 shall not act further on the basis of the Gift Deed dated 08/07/2007 and Power of Attorney dated 24/12/1980 executed by Anil Khimji in favour of defendant nos.1 and 2.

4. The learned counsels for the respective parties state that the said statements including the statement not to act upon the Power of Attorney shall not be used by the parties in any other proceedings and shall not come in the way of getting the flat transferred in the name of defendant no.2 in the event the judgment in Special Leave Petition pending before the Hon'ble Apex Court is in favour of the defendant nos.1 and 2. Statements are accepted.

5. Notice of Motion Nos.1790/2015 and 411/2016 stands disposed of in the above terms. All points and contentions of the respective parties are specifically kept open.

6. Suit is adjourned on 10/06/2019 for tendering draft issues.

**(SMT. ANUJA PRABHUDESSAI, J.)**