

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

**APPEAL NO.276 OF 2019
IN
NOTICE OF MOTION NO.673 OF 2017
IN
SUIT NO.260 OF 2017**

**WITH
NOTICE OF MOTION NO.586 OF 2019
IN
APPEAL NO.276 OF 2019
IN
NOTICE OF MOTION NO.673 OF 2017
IN
SUIT NO.260 OF 2017**

Jayesh Dinesh Shah & Ors.	..Appellants
V/s.	
Kaydee Family Trust & Ors.	...Respondents.

Ms.Yasmin E. Tavaría a/w Mr.Jamsheed Master, for Appellants.
Mr.Tushar Goradia a/w Ms.Swapna Roopavate a/w Ms. Deepa Bisht for Respondents.

**CORAM : K. K. TATED &
SARANG V. KOTWAL, JJ.
DATED : 20th November, 2019.**

P. C. :

1. Heard learned counsel for the parties.

2. By this Appeal, the Appellants/Original Plaintiffs are challenging the order dated 05/03/2019 passed by the learned Single Judge dismissing the Appellants/Original Plaintiff's Notice of Motion No. 673 of 2017 preferred by them for restraining the respondents from making any third party right, title and interest in respect of office premises bearing No.204 on the second floor, admeasuring 1110 sq.ft. i.e. 103.12 sq.mtrs. of carpet area along with covered basement area of 100 sq.ft. in Arcadia Premises Co-operative Society Ltd., situate at 195 Nariman Point, Mumbai 400 021 till hearing and final disposal of the suit.

3. After arguing for some time, both learned counsels submitted Minutes of Order dated 20/11/2019 duly signed by the respective advocates. Same is taken on record and marked 'X' for identification. The same is accepted. Same reads thus:-

MINUTES OF ORDER

1. Respondent No.1 shall not sell or transfer office premises bearing No.204 on the 2nd Floor admeasuring about 1110 sq.ft. Carpet area ("the

office premises”) and covered basement area of 100 sq.ft. (“the basement”) in Arcadia Premises Co-operative Society Limited, 195, Nariman Point, Mumbai 400 021 (“suit premises”) till the hearing and final disposal of the suit.

2. It is expressly made clear that the Respondents have and shall be entitled to give on leave and license the suit premises to any person or entity. The Respondent shall within a period of 30 days from the execution of any further leave and license agreement in respect of the suit premises, forward a copy to the Appellants. The Respondents undertakes to & shall maintain accounts in connection with Respondent No.1.
3. The rights and contentions of the parties are kept open. The Notice of Motion No.586 of 2019 and Appeal No.276 of 2019 stands disposed in terms hereof.
4. No order as to costs.

4. Learned counsel appearing on behalf of appellant/original plaintiff submit that, at the time of passing impugned order dt.05/03/2019, the court imposed cost of Rs.50000/- on them. The order of the cost be set aside. For

that, advocate for the respondents have no objection.

5. Hence, following order is passed:

a) Appeal No.276 of 2019, as well as,
Notice of Motion No.586 of 2019 stand disposed of in
terms of Minutes of Order.

b) Order of cost dated 05/03/2019 is
also set aside.

(K.K.TATED, J.)

(SARANG V. KOTWAL, J.)
