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**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
ORDINARY ORIGINAL CIVIL JURISDICTION
NOTICE OF MOTION (L) NO. 806 OF 2019**

IN

SUIT NO. 3362 OF 2003

Nishat Cooperative Housing Society Ltd	...Applicant
<i>In the matter between</i>	
Nishat Cooperative Housing Society Ltd	...Plaintiffs
<i>Versus</i>	
The State of Maharashtra & Anr	...Defendants

WITH

CHAMBER SUMMONS (L) NO. 439 OF 2019

IN

SUIT NO. 3362 OF 2003

Nishat Cooperative Housing Society Ltd	...Applicant
<i>In the matter between</i>	
Nishat Cooperative Housing Society Ltd	...Plaintiffs
<i>Versus</i>	
The State of Maharashtra & Anr	...Defendants

**Mr Rahul Soman, with Mr JS Solomon, Ms Soniya Putta, Ms
Chinmayee Das and Ms Vaishali Chaturvedi, i/b M/s Solomon
& Co, for the Plaintiff.**
Mr Kunal Bhanage, AGP, for Defendants Nos. 1 and 2.

CORAM: G.S. PATEL, J
DATED: 27th March 2019

PC:-

1. Mentioned. Not on board. Taken on board.
2. This Chamber Summons and Notice of Motion have been lodged a few days ago. The suit is a part of group of seven or eight similar matters. I have today made an order in the Chamber Summons (L) No. 423 of 2019 in Suit No. 3314 of 2003 and the Notice of Motion (L) No. 781 of 2019 in Suit No. 3314 of 2003.
3. For the reasons given in the order made today in Chamber Summons (L) No. 423 of 2019 and Notice of Motion (L) No. 781 of 2019 in Suit No. 3314 of 2003, the present Chamber Summons No. (L) 439 of 2019 is made absolute with leave to amend in terms of the schedule annexed to that Chamber Summons.
4. For the reasons set out in that order in Notice of Motion (L) No. 781 of 2019 in Suit No. 3314 of 2003, there will be an ad-interim order in terms of prayer clauses (a) and (b) of the Plaintiff's present Notice of Motion (L) No. 806 of 2019. To avoid any controversy prayer clauses (a) and (b) of the Notice of Motion are reproduced below.
 - (a) that pending the hearing and final disposal of this suit, the Defendants and the authorities and officers of the Defendants and their servants and agents be restrained by an order and injunction of this Hon'ble Court from in any manner directly or indirectly acting contrary to the terms

set out in the Lease dated 14th April 1959 (Exhibit "B" to the Complaint) and demanding or recovering from the Plaintiffs lease rent in excess of annual rent of Rs.7/- and from enforcing or taking any steps or actions for recovery from the Plaintiffs of any amount or property and/or acting upon, giving effect to or operating Government Resolution dated 12th December 2012 (Exhibit "D" hereto) (as modified by the Government Resolution dated 5th May 2018 (Exhibit "G" hereto)) and Order No. CSLR/MS/1/T-2/Malabar Hill/P.No.909/L.R./2019/3545 dated 5th March 2019 of Defendant No.2;

(b) that pending the hearing and final disposal of this suit, the Defendants and the authorities and officers of the Defendants and their servants and agents be restrained by an order and injunction of this Hon'ble Court from in any manner directly or indirectly dispossessing the Plaintiffs from Plot No.2 and/or disturbing or interfering with or obstructing the Plaintiffs' quiet and peaceful possession and enjoyment of Plot No.2 (described in Exhibit "C" to the Complaint) and the building thereon on the terms set out in the Lease dated 14th April, 1959 (Exhibit "B" to the Complaint);

5. There will be an ad-interim order in these terms operative till 26th April 2019.
6. List the Notice of Motion for further ad-interim reliefs on 16th April 2019 at 3.00 pm.
7. The Chamber Summons is disposed of in these terms.

(G. S. PATEL, J)