

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

**NOTICE OF MOTION (L) NO.1076 OF 2019**

**IN**

**SUIT (L) NO.505 OF 2019**

Sunetra Kashinath Volvaikar

....Applicant/Plaintiff

Vs.

Milind Kashinath Volvaikar and Anr.

....Defendants

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Ms. Swati Parag Gautam for applicant/plaintiff.

Mr. S. M. Khaire for defendants

Mr. Milind Kashinath Volvaikar, defendant no.1 present.

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**CORAM : K.R.SHRIRAM, J.**

**DATE : 26<sup>th</sup> AUGUST 2019**

**P.C.:**

1           Mr. Khaire undertakes to file Vakalatnama on behalf of defendants within one week from today. Undertaking accepted.

2           Mr. Khaire states that plaintiff's other son, who is the brother of defendant no.1, has filed a suit being civil suit/0201083/2018 against defendant no.1 for partition, in which an order restraining defendant no.1 from creating third party rights has been passed. Mr. Khaire also states that plaintiff is the mother of defendant no.1 and she is 88 years of age. Mr. Khaire states that as a responsible son defendant no.1 shall not ask plaintiff to vacate the house or even create third party rights so long as plaintiff is alive and so long there is an order as passed by the Dindoshi Court in force. Statement accepted. Mr. Khaire also states that there is no question of defendant no.1 interfering with plaintiff's enjoyment of the flat

because plaintiff is his mother. Statement accepted as undertaking to this Court.

3           In view of the above, notice of motion stands disposed.

4           Mr. Khaire waives service of writ of summons for both defendants. Written statement to be filed and copy served within six weeks from today.

5           Within three weeks from today, all office objections in the suit as well as notice of motion to be removed and suit as well as notice of motion to be numbered, failing which suit as well as notice of motion will get dismissed without further reference to this Court.

**(K.R. SHRIRAM, J.)**