

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
ORDINARY ORIGINAL CIVIL JURISDICTION
NOTICE OF MOTION (L) NO.1389 OF 2019
IN
SUIT (L) NO.676 OF 2019**

Kiran Harry GurnaniApplicant/Plaintiff

Vs.

Suchit Developers and Ors.Defendants

Mr. Girish B. Kedia for applicant/plaintiff.

Mr. Ashwin Shete a/w. Mr. Neel Kothari I/b. M/s. Jayakar and Partners for defendant no.4.

Mr. Subit Chakrabarti i/b. Vidhii Partners for defendant no.5.

Mr. D. N. Kher, OSD/Court Receiver present.

CORAM : K.R.SHRIRAM, J.

DATE : 1st JULY 2019

P.C.:

1 Heard the learned advocates. Mr. Shete, counsel for defendant no.4 states that defendant no.4 will not create any third party rights with respect to the suit flat being flat no.1202 and car parking space (the suit flat) allotted to plaintiff until further orders. A similar and identical statement is also being made by Mr. Chakrabarti, counsel for defendant no.5. Both statements accepted as undertaking to this Court.

2 Mr. Kedia states that defendant nos.2 and 3 have been served and undertakes to file an affidavit of service. Defendant nos.2 and 3, however, are not present in Court.

3 Therefore, defendant nos.2 and 3 are directed not to create any
third party rights with respect to the said flat. Defendant nos.2,3,4 and 5 are
partners of defendant no.1. Therefore, the statements/directions will extend
to defendant no.1 as well.

4 Mr. Chakrabarti and Mr. Shete state that their instructing
advocates will file Vakalatnama within one week from today. Statement
accepted.

5 Defendant no.6 has been appointed as the Receiver for the
entire project in suit (lodging) no.249 of 2018. Therefore, Receiver shall
continue in this suit also.

6 Notice of motion accordingly stands disposed with liberty to
approach this Court should the need arise.

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

(K.R. SHRIRAM, J.)