

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

NOTICE OF MOTION No.1508 of 2012.
IN
SUIT No. 1209 of 2012.

Hari Niwas Co-operative Societies Ltd. .. Applicant/Orig.Plaintiff.

In the matter between :-

Hari Niwas Co-operative Societies Ltd. ..Plaintiff.

Vs

Hardas L. Aswani & Ors ..Defendants.

Mr. Clive D'Souza Advocate for Plaintiff.

Mr. D.S. Shingade, Advocate for Defendant No.5-MCGM.

Mr. Surel Shah a/with Mr. Sanjay Gawade for Defendant No.1.

CORAM : B. P. COLABAWALLA, J.
DATED :-18th February, 2019.

P.C. :

1. This notice of motion has been filed seeking an order of injunction against defendant Nos. 1 to 8 restraining them or their servants, agents and persons claiming through or under them from in any manner selling, transferring, encumbering, creating third party rights, charges or dealing with or utilizing the TDR in respect of the suit property or part thereof. Several reliefs also have been sought including directing defendant No. 9 to produce the entire file including all

documents furnished by defendant No. 8 and also issue a stop work notice or from granting any further permission.

2. When this matter was moved for ad-interim reliefs, this Court by its order dated 19th July, 2012 recorded that there was a delay in approaching the Court and therefore refused to grant any ad-interim relief. This order was challenged before a Division Bench of this Court who by its order dated 19th March, 2013 dismissed the appeal. It however recorded a statement on behalf of defendant No.8 that no equities would be claimed in the suit.

3. Today I am informed that the building is fully complete and even occupation certificate has been applied for in respect of the said building. In these circumstances, there is no question of granting any interim relief to the plaintiff. The notice of motion is dismissed. However, it is made clear that defendant No.8, by virtue of this order shall not claim any equities in the suit.

(B.P. COLABAWALLA, J.)