

IN THE HIGH COURT OF JUDICATURE AT BOMBAY

ORDINARY ORIGINAL CIVIL JURISDICTION

NOTICE OF MOTION No.1365 of 2013

IN

SUIT No.704 of 2013

Ventures Real Infra Pvt. Ltd. ..Applicant.

In the matter between :

Ventures Real Infra Pvt. Ltd. ..Plaintiff.

Vs

Omprakash Amarchand Sehgal
& Ors ..Defendants.

Ms. Nutan Moily I/by Mr. Suresh P. Patil for the Plaintiff/Applicant.
Mr. Rohan Kelkar a/with Ms. Mohini D. Thorat I/by Mr. Anil D'Souza
for Defendant No. 1 (a) to 1 (c).
Mr. S.R. Tejpal a/with Mr. Dushyant Tejpal, I/by Tejpal & Co.,
Advocate for Defendant Nos. 2, 3 and 6 to 12.
Mr. Vijay Tawde for Defendant No.4/Applicant in NMS/1111/2019.
Ms. Hetal Patel for Defendant No.5/Applicant in NMS/1115/2019.

CORAM : B. P. COLABAWALLA, J.

DATED :- 18th June, 2019.

P.C. :-

1. This Notice of Motion has been filed by the applicant seeking the order of temporary injunction restraining defendant Nos. 1 to 12 from alienating the suit property, which is, more particularly described in Exhibit-A to the plaint. The suit is filed for specific performance of an alleged oral agreement that was entered

into between the plaintiff and the defendants.

2. According to the plaintiff, the agreed terms were recorded in a draft conveyance which is, admittedly, not signed by any of the defendants or even the plaintiff. In these circumstances, I do not find that any prima facie case is made out by the plaintiff to restrain the defendants from alienating the suit property. The Notice of Motion is devoid of any merit. It is accordingly dismissed. No order as to costs.

(B.P. COLABAWALLA, J.)

Radhakishan
S. Ladda

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