

IN THE HIGH COURT OF JUDICATURE AT BOMBAY

ORDINARY ORIGINAL CIVIL JURISDICTION

**NOTICE OF MOTION NO.2637 OF 2012
IN
SUIT NO.2556 OF 2012**

Arun D. Gada ..Plaintiff.
Vs
Vikram Vijaykumar Singh & 12 Ors ..Defendants.

**WITH
NOTICE OF MOTION NO.2639 OF 2012
IN
SUIT NO.2568 OF 2012**

Arun D. Gada ..Plaintiff.
Vs
Vikram Vijaykumar Singh & 12 Ors ..Defendants.

**WITH
NOTICE OF MOTION NO.305 OF 2015
IN
SUIT NO.2556 OF 2012**

Arun D. Gada ..Plaintiff.
Vs
Vikram Vijaykumar Singh & 12 Ors ..Defendants.

**WITH
NOTICE OF MOTION NO.306 OF 2012
IN
SUIT NO.2568 OF 2012**

Arun D. Gada

..Plaintiff.

Vs

Vikram Vijaykumar Singh & 12 Ors

..Defendants.

Mr. P.J. Thorat a/with Mr. Shyam Singh i/by Mr. Satish Dedhia for Applicant/Plaintiff.

Mr.Gaurav Mehta i/by Mr. S.N. Fadia for Defendant No.1.

Mr. Prathmesh Seth i/by Mr. Joseph Fernandes for Defendant No.2.

Ms. Sanjukta Dey for proposed Intervener.

CORAM : B. P. COLABAWALLA, J.

DATED :- 7th AUGUST, 2019.

P.C. :-

1. Initially, in Notice of Motion No. 2637 of 2012 and Notice of Motion No. 2639 of 2012 an order was passed on 27th June, 2014 where a statement was recorded on behalf of defendant No.1 that defendant No.1 shall maintain status-quo in respect of the suit property. As defendant No.2 was not represented on that day, defendant No.2 was also directed to maintain status-quo as on the said date.

2. Thereafter, the aforesaid two Notice of Motions came up before this Court on 18th July, 2014. On the said date, all the defendants were represented and the defendants were directed to maintain status-quo in relation to the suit property. According to

the plaintiff, these status-quo orders were violated and it is in these circumstances Notice of Motion No. 305/2015 and 306/2015 came to be filed. In both these Motions, a detail order was passed by this Court on 28th January, 2015 wherein this Court further restrained the 1st respondent Corporation (MCGM) from issuing any further directions/approval and/or sanctions relating to the suit property in both the suits. This order was necessitated as it was the case of the plaintiff that in violation of the status-quo orders defendant Nos. 1 and 2 have received an IOD issued by the 1st respondent-Corporation. Today all these Notice of Motions have come up for hearing and final disposal before me.

3. On going through the papers and proceedings, the learned Advocate appearing on behalf of defendant Nos. 1 and 2 have stated that the ad-interim orders already passed can be continued till the hearing and final disposal of the suit. In these circumstances, the above Notice of Motions are disposed of in terms of the ad-interim orders dated 27th June, 2014, 18th July, 2014 and 28th January, 2015 till the hearing and final disposal of the suit. As far as the order dated 16th March, 2015 is concerned, the learned Advocate appearing on behalf of defendant No.1 states that after passing of the said order defendant No.1 has already filed an

affidavit disclosing the details of transfers/ surrenders of tenancy in the suit premises. The said affidavit is dated 11th January, 2019. The said statement is accepted as an undertaking given to this Court. All the above Notice of Motions are accordingly disposed of. No order as to costs.

(B.P. COLABAWALLA, J.)