

IN THE HIGH COURT OF JUDICATURE AT BOMBAY

ORDINARY ORIGINAL CIVIL JURISDICTION

NOTICE OF MOTION No. 1457 of 2014

IN

SUIT No. 309 of 2014

Bagwe Housing Pvt. Ltd.

..Applicant/Plaintiff.

In the matter between :

Bagwe Housing Pvt. Ltd.

..Plaintiff.

Vs

Rajdulari Ramdular Pande & Ors

..Defendants.

Mr. Abhishekh Bhadang with Sandeep Mahadik for Plaintiff.

**Mr. Hemant Mehta with Ms. Anamika Tiwari I/by M/s Mehta & Co.
for Defendant No. 1 to 7 and 9.**

CORAM : B. P. COLABAWALLA, J.

DATED :- 23rd JANUARY, 2019.

P.C. :

1 The present notice of motion has been filed inter-alia seeking the relief of appointment of a Court receiver in respect of the suit property, more particularly described in Exhibit "Y" of the plaint as well as for an injunction restraining defendant No. 1 to 7 and 9 from either disposing of, alienating, encumbering or creating any third party right and/or interest in relation to the suit property

described in Exhibit “Y”. It is not in dispute that the plaintiff had not applied for any ad-interim relief.

2 I have heard learned Advocates appearing for the plaintiff as well as for defendant No. 1 to 7 and 9. The learned Advocate appearing on behalf of defendant No. 1 to 7 and 9 states that defendant No.9 is proposing to submit plans to the MCGM for development of the suit property (which is described in Exhibit “Y” of the plaint). In these circumstances, I think that this notice of motion can be disposed of by passing the following directions :-

a) Once defendant No. 1 to 7 and 9 and/or any one of them receive sanction from the MCGM for development of the suit property and pursuant thereto the defendants or any one of them intend to carry out construction of any new building on the suit property, the said defendants shall give to the advocate for the plaintiff prior notice in writing of not less than seven days of their intention to do so along with copies of the sanctioned building plans of the proposed construction.

b) On receipt of such intimation, the plaintiff shall be at liberty to take out

appropriate proceedings to make an application before this Court for any appropriate reliefs, if it so desires. It is needless to clarify that if any such application is filed on behalf of the plaintiff, the same shall be heard on its own merits and in accordance with law.

c) All contentions of all parties are expressly kept open.

3 Notice of motion is disposed of in the aforesaid terms. There shall be no order as to costs.

(B.P. COLABAWALLA, J.)