

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

NOTICE OF MOTION NO.716 OF 2017

IN

SUIT NO.137 OF 2017

Varun Apartments Co-operative Housing	)	
Society Ltd. & Ors.	)....Applicants/Plaintiffs	
V/s.		
Chandrakant Wairkar & Ors.	)....Defendants	

Mr.Bharat Joshi for plaintiffs/applicants in NMS 716/2017.
Mr.Rajshekhar V.Govilkar a/w Ms.Shaba N.Khan I/by Govilkar & Associates for defendant nos.1 to 4 in NMS 1506/2017.

**CORAM : K.R.SHRIRAM,J
DATE : 11.3.2019**

P.C.:-

1. Mr.Joshi for plaintiffs states that the suit plot as of now is vacant as could be seen from page-30 onwards to the additional affidavit. Defendant no.2 is present in Court and states that defendant nos.1 to 4 have no intention to erect anything permanent or temporary apart from the structures which are in situ as on date. Statement accepted as an undertaking to this Court.

2. Mr.Joshi states that this Notice of Motion can be disposed in view of the statement recorded above with liberty to plaintiffs to take out fresh Notice of Motion after the Court hears and disposes of the Chamber summons no.292 of 2019.

3. Notice of Motion disposed in view of the statement as recorded above with liberty as prayed for by plaintiff.

NOTICE OF MOTION 1506 OF 2017

1. In view of the amendments to the Code of Civil Procedure and in view of the fact that issue is yet to be framed under Section 9A, this Notice of Motion does not survive. Notice of Motion accordingly disposed. Defendants may raise all contentions including issue of jurisdiction in the written statement and in the main suit.

2. Mr.Govilkar for defendant nos.1 to 4 states that he has written instructions from defendant no.5 not to continue to represent defendant no.5 any more. Mr.Govilkar accordingly discharged. Registry to make a note of the same.

(K.R.SHRIRAM,J)