

Ladda

IN THE HIGH COURT OF JUDICATURE AT BOMBAY

ORDINARY ORIGINAL CIVIL JURISDICTION

Radhakishan
S. Ladda

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NOTICE OF MOTION NO. 1439 OF 2013
IN
SUIT NO. 636/2013
WITH
NOTICE OF MOTION NO. 149/2014
IN
COUNTER CLAIM NO. 20/2013
IN
SUIT/636/2013
WITH
SUIT NO. 636/2013.

Pradeep A. Mirchandani & Ors ..Plaintiffs.
Vs
Smt. Sheila M. Malaney & Ors ..Defendants.

Mr. Sandeep Parikh I/by Mr. Vipul Shukla for Plaintiffs/Applicants
in NMS/1439/2013.

Mr. Chetan Kapadia a/with Simeen Shaikh, Priyanka Gcharge, Angela
Singhay for Defendants/Applicants in NMS/149/2014.

CORAM : B. P. COLABAWALLA, J.
DATED :- 10th June, 2019.

P.C. :-

1. This Notice of Motion has been filed by the plaintiffs for
the appointment of a Court Receiver as well as for an injunction in
respect of Flat No.73, 7th Floor, Anjali Building, Radhe Shyam Co-

operative Housing Society Limited, Arthur Bunder Road, Near Radio Club, Colaba, Mumbai 400 005 and delineated in blue line in the plan annexed to the Agreement dated 22nd September, 1977 (Exh. “A” to the plaint) [for short “the suit property”]. When this Notice of Motion was pressed for ad-interim reliefs, this Court by its order dated 18th July, 2013 had passed the following order :-

1. “The Defendants to file their Reply on or before 31-07-2012. Rejoinder, if any, to be filed on or before 14-08-2013. Stand over to 19-08-2013 for hearing and final disposal.

2. In the meantime, the Defendants as well as the grandson of the deceased Lilla M. Kamlani and son of Defendant No.1 i.e. Mr. Suvir Malaney, and his wife who are occupying a portion of the suit flat which was earlier in possession of Lilla M. Kamlani (now deceased) shall not dispose of, alienate, encumber, part with possession of create any third party rights in respect of the said portion.”

2. Today when the matter is called out, both the parties have agreed before me that this ad-interim order can be confirmed till the disposal of the suit.

3. In these circumstances, the ad-interim order passed on 18th July, 2013 shall operate as an interim order till the disposal of the suit. Both the Notices of Motion, namely, Notice of Motion

No.1439/2013 filed by the plaintiff and Notice of Motion No. 149/2014 filed by the defendants in Counter-claim No.20/2013 are disposed of in terms of the ad-interim order dated 18th July,2013. It is clarified that no relief is granted to the defendant in its Notice of Motion No.149/2014. Both the Notice of Motions are accordingly disposed of.

4. Considering that the suit is of the year 2013, the same be placed on board on 24th June, 2019 for framing issues. The learned Advocates have agreed before me that on or before the next date they shall exchange the draft issues amongst themselves.

(B.P. COLABAWALLA, J.)