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

**NOTICE OF MOTION NO. 2604 OF 2012
IN
SUIT NO. 2557 OF 2012**

Abhay Kantilal Shah & Anr. ...Applicants/Plaintiffs.
VS
Shreeniwas Cotton Mills Ltd. & Anr. ...Defendants.

.....
Ms Devanshi Shah for the Applicants/Plaintiffs.
Mr Janak Dwarkadas with Cyrus Ardeshir, Rahul Dwarkadas,
Neveille Mukarji, Prachi Dhanoni, Asim Tirmili I/b VERITAS Legal for
Defendant Nos.1,2.

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**CORAM : B.P.COLABAWALLA, J.
JANUARY 30, 2019.**

P.C. :

This Notice of Motion is filed seeking restraining Defendant Nos.1 and 2 from committing any breach of the provisions of the Ownership Flats Act and further restraining Defendant Nos.1 and 2 from receiving any monies or entering into any written agreements with other flat purchasers. An injunction is also sought against Defendant Nos.1 and 2 from parting with possession and/or alienating and/or encumbering or creating any third party rights and/or interest in respect of the suit flat being Flat No. 2402 on the 24th floor of the proposed building known as "World One" in the project Lodha Place proposed to be constructed at Parel and more particularly described in Schedule two to the plaint.

2 The suit was filed seeking a decree of specific performance of the agreement for sale of the suit flat as contained in the correspondence between the parties and referred to in the plaint, as well as for other consequential reliefs.

3 Learned advocate appearing on behalf of the Plaintiffs, on instructions, has stated today that the Plaintiffs are no longer interested in the suit flat and are only seeking refund of the monies along with interest that have already been paid by the Plaintiffs to Defendant Nos.1 and 2.

4 In view of this statement, it is clear that no relief can be granted in this Notice of Motion as the Plaintiffs have today made a statement that they no longer seek specific performance in relation to the suit flat.

5 The Notice of Motion is accordingly dismissed. No order as to costs.

(B.P.COLABAWALLA, J.)