

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

NOTICE OF MOTION NO.1445 OF 2018

IN

SUIT NO.835 OF 2018

Vilas Krishnarao Basutkar

....Applicant/Plaintiff

Vs.

Prakash Krishnarao Basutkar and Ors.

....Defendants

Mr. Sachin Suryakant Punde for applicant/plaintiff.

Mr. Khozen Mukhtiar i/b. Mr. Rabindra Hazavi for defendant no.1.

Mr. Ramchandran Narayanan a/w. Mr. Tejas P. Shah i/b. Narayanan and Narayanan for defendant no.2.

Mr. R.B. Khanolkar for defendant no.3.

CORAM : K.R.SHRIRAM, J.

DATE : 24th JUNE 2019

P.C.:

1 Defendant nos.1 and 2 have already transferred their rights to defendant no.3. Mr. Khanolkar, counsel for defendant no.3 states that defendant no.3 is in possession of the suit property and will not create any third party rights or part with possession or encumber the suit property until further orders. Mr. Khanolkar states that if at all defendant no.3 decides to create such third party rights, then defendant no.3 will give minimum four weeks notice in writing to plaintiff/apply to this Court for leave to create third party rights.

2 In view of this statement made by the counsel for defendant no.3, notice of motion stands disposed with liberty to apply.

3 Mr. Mukhtiar and Mr. Narayanan undertake to file Vakalatnama for defendant nos.1 and 2. The counsel for defendant nos.1 to 3 also waive service of writ of summons.

4 Mr. Punde states that within one week from today, he will apply for issuance of writ of summons for service on defendant no.4.

5 Defendant nos.1 to 3 shall file written statement and serve a copy thereof upon plaintiff within six weeks from today.

6 Undertaking of Mr. Punde, counsel for plaintiff to withdraw the suit filed by plaintiff in Dindoshi Court within two weeks from today is accepted.

(K.R. SHRIRAM, J.)