

Sayali Upasani

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

**NOTICE OF MOTION NO-766 OF 2008
WITH
COUNTER CLAIM NO- 31 OF 2007
IN
SUIT NO-508 OF 2007**

Silver Beach Victor Co-operative Housing Society Ltd ...Plaintiff

Vs.

Vee Gee Creado Construction and Developer Pvt Ltd and Ors ...Defendants

Ms. S. Taly i/b Mahomedbhai and Co., for Plaintiff.

Mr. Aditya A. Kavale i/b Zohair and Co., for Defendant Nos. 2 to 6.

CORAM:- N. J. JAMADAR, J.

DATED:- 16th FEBRUARY, 2023

PC:-

NOTICE OF MOTION NO-766 OF 2008

- 1) Heard the learned Counsel for the plaintiff and the learned Counsel for the defendant Nos. 2 to 6.

2) On 3rd March, 2008, this Court had passed the following order.

“Counsel appearing on behalf of Defendants 2 to 6 states that the aforesaid Defendants shall not create any third party rights in respect of the demised land except by way of giving the same on leave and license basis as was done in the past. This submission is made by Defendants 2 to 6 in terms of the earlier statement dated 4th May, 2007 recorded in the order passed by Hon’ble Mr. Justice A.M. Khanwilkar in Notice of Motion 722 of 2007. In view of the aforesaid statement, no further application for ad-interim relief has been made at this stage.

The Notice of Motion is made returnable on 9th June, 2008. Parties shall complete their pleadings in the meantime.”

3) The Motion is pending since the year 2008.

4) The learned Counsel for the plaintiff makes a grievance that the defendant Nos. 2 to 6 have acted in breach of the aforesaid statement and, despite repeated requests, the defendant Nos. 2 to 6 have not furnished the information regarding the licensees, who are inducted in the suit premises by the defendant Nos. 2 to 6.

5) Having regard to the time which has elapsed and the nature of the statement made on behalf of the defendant Nos. 2 to 6, it would be expedient to make the Motion absolute in the aforesaid terms.

- 6) The defendant Nos. 2 to 6 shall file an affidavit indicating the identity of the licensees, who have been inducted in the suit premises since the date of the aforesaid order.
- 7) In case new licensees are inducted, in future, the defendant Nos. 2 to 6 shall intimate the same to the plaintiff and also place the said fact on the record of the Court.
- 8) The Notice of Motion stands disposed.
- 9) List on 27th March, 2023 for framing of issues.
- 10) The parties shall exchange and circulate the draft issues.

[N. J. JAMADAR, J.]