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

**INTERIM APPLICATION NO.3900 OF 2022
IN
SUIT NO.1118 OF 2018**

Ramesh Ratilal Kapadia @ Talati .. Applicant

In the matter between

Lalitaben Ratilal Kapadia @ Talati .. Plaintiff

Vs.

M. P. Corporation & Ors. .. Defendants

**WITH
NOTICE OF MOTION NO.1824 OF 2018**

Lalitaben Ratilal Kapadia .. Applicant/Plaintiff

Vs.

M. P. Corporation & Ors. .. Defendants

Mr. Vikramjit Garewal with Mr.Umesh Tawari, Mr.Rhythm Rathod i/b S. Ashwinikumar & Co. LLP for the Applicant.
Mr. Umair A. Ansari with Mr. Mohsin H. Khan for Defendant Nos.1 to 3.

CORAM : S. M. MODAK, J.

DATE : 7TH SEPTEMBER 2023

P. C. :-

INTERIM APPLICATION NO.3900 OF 2022

1. Heard learned Advocate for the Applicant and learned Advocate for Defendant Nos.1 to 3-Respondents.

2. The original Plaintiff has expired and this Application is filed by his LRs. There are certain defects in the Application. Instead of those LRs, the Applicant wants to implead the executors and beneficiaries of the Will executed by Lalitaben. The other side has no objection.

3. Interim Application is disposed of as withdrawn. Liberty is granted to the Applicant to file fresh Application.

NOTICE OF MOTION NO.1824 OF 2018

4. On behalf of Defendant Nos.1 to 3, learned Advocate has invited my attention to para 5 of the order dated 25th September 2019. Even though reliefs were granted in terms of prayer clauses (a) and (b) of the Notice of Motion till final disposal of the suit, liberty was granted to the Defendants to demonstrate how FSI has been utilised and how this prayer will stand infructuous.

5. On the basis these Defendants want to place on record the following :-

- (i) additional affidavit;
- (ii) additional affidavit to bring on record subsequent development about demolition of the structure

standing on the plot of land owned by Defendant Nos.1
to 3.

6. Copy is served on learned Advocate for the
Applicant/Plaintiff. Rejoinder, if any, to be filed within two
weeks.

7. Matter be kept on **17th October 2023.**

[S. M. MODAK, J.]