

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

INTERIM APPLICATION NO.151 OF 2024  
IN  
SUIT NO.933 OF 2016

|                                                                     |                                      |
|---------------------------------------------------------------------|--------------------------------------|
| SPAN CORPORATION                                                    | )...APPLICANT<br>(THIRD PARTIES)     |
| IN THE MATTER BETWEEN                                               |                                      |
| MOUSHAMI AMIT BAJAJ & OTHERS<br>V/s.<br>KAMLASHRI BUILDERS & OTHERS | )...PLAINTIFFS<br><br>)...DEFENDANTS |

Mr.Sanjeev Hariakar, Advocate for the Applicant in IA/151/2024.

Mr.Yogesh C. Naidu a/w Mr.Sujith Suresh i/b Mr.Edende Horta Ribeiro,  
Advocates for the Defendants No.1,2,4 and 5.

Ms.Shradha Achliya a/w. Mr.Mayuresh Ingale, Advocate for the  
Defendants No.7 to 13 in S/933/2016.

Mr.Darshanchandra B. Zaveri i/b Mr.B.R. Zaveri, Advocate for the  
Defendant No.15 in IA/151/2024.

Mr.PA. Jani i/b Vigil Juris, Advocate for the Plaintiffs in S/933/2016.

Mr.N.C. Pawar, Officer on Special Duty, Court Receiver's Office is  
present in Court.

CORAM : ABHAY AHUJA, J.  
DATE : 19<sup>th</sup> MARCH 2025

**PC. :**

1. This matter was kept back in the morning session as the learned  
Counsel for the Plaintiffs was not available.

2. When the matter is called out in the afternoon session, Mr. P. A. Jani, learned Counsel appears for the Plaintiffs and submits that he has no objection if the material lying on the site is allowed to be taken by the Applicant.

3. Mr.Yogesh C. Naidu, learned Counsel appearing for Defendants No.1, 2, 4 and 5, at the outset, submits that Defendants No.4 and 5 are present in Court and also tenders across the bar an affidavit explaining the absence of the Defendant No.5 on the last occasion. The said affidavit is taken on record.

4. Mr.Naidu also submits that on the last date itself he has communicated his clients' no objection to the Applicant being permitted to take away the material lying in the Suit premises.

5. Mr.Sanjeev Hariakar, learned Counsel appearing for the Applicant submits that he is not insisting on taking away all the materials listed in the schedule to the application but limits its prayers to the materials that are lying in the Suit premises.

6. Having heard the learned Counsel and having considered their submissions, this Court permits the Applicant to take away whatever materials belonging to the Applicant are lying in the Suit premises.

7. Let the representative of the Plaintiffs as well as the Defendants remain present at the time when the representative of the Applicant enters the premises to take away their materials. Let the visit be decided upon mutual convenience of the concerned parties.

8. The application accordingly stands allowed and disposed as above.

**(ABHAY AHUJA, J.)**