

MHCC010067332026



Presented on :18/05/2026

Registered on : 20/05/2026

Decided on : 08/06/2026

Duration : 0 years, 0 months, 22 days

IN THE BOMBAY CITY CIVIL COURT AT BOMBAY.

NOTICE OF MOTION NO. 2766 OF 2026

IN

S.C. SUIT NO. 732 OF 2017

Mr. Ghanshyam Madhukar Desai

Age 53 years, Occ: Retired,
R/at. A-40/403, Sector No.3,
Shanti Nagar, Mira Road (E),
Thane – 401 107
Permanent R/at. 5/149
Anandvan Tagore Nagar CHS Ltd.
Tagore Nagar, Vikhroli (E),
Mumbai – 400 083

)...Plaintiff

Versus

1. Mrs. Ratnamala Madhukar Desai

Age 82 years, Occ: Housewife,
R/at. 5/149, Anandvan Tagore,
Nagar CHS Ltd, Tagore Nagar,
Vikhroli (E), Mumbai – 400 083

After Redevelopment now

Flat No. 1301, Shraadha Pride,
Anandvan CHS Ltd. Tagore Nagar,
situated at Vikhroli (E),
Mumbai – 400 083

2. Mr. Uttamkumar Madhukar Desai

Age 58 years, Occ:Service
R/at. 5/149, Anandvan Tagore,
Nagar CHS Ltd, Tagore Nagar,

Vikhroli (E), Mumbai – 400 083

After Redevelopment now

Flat No. 1301, Shraadha Pride,
Anandvan CHS Ltd. Tagore Nagar,
situated at Vikhroli (E),
Mumbai – 400 083

3. The Chairman/Secretary,

Anandvan Tagore Nagar,
Co-operative Housing Society,
Tagore Nagar, Vikhroli (E),
Mumbai – 400 083

After Redevelopment now

Shraadha Pride,
Anandvan CHS Ltd. Tagore Nagar,
situated at Vikhroli (E),
Mumbai – 400 083

)...Defendant

Appearance:

Ms. Vandana Gupta, Advocate for the plaintiff.

Ms. Suvarna Shinde, Advocate for defendant no.1 & 2.

**CORAM : HER HONOUR JUDGE MR. D.R. DESHPANDE.
(COURT ROOM NO.66).**

DATE : 8th JUNE, 2026.

ORDER

This notice of motion is taken out by plaintiff, for issuance of temporary injunction restraining defendants from obstructing plaintiff's joint possession in the suit property and further restraining them from alienating the property.

2) Admittedly, the plaintiff and the defendants are the class I heirs of the propositus who died intestate and plaintiff is claiming 1/3rd share in the suit property left behind by his father, which is suit flat. Plaintiff is also claiming injunction restraining defendants from obstructing

plaintiff's possession and further from alienating the suit property.

3) The Ld. Advocate for defendants has fairly conceded to the facts as to relationship amongst the parties, nature of the suit property and that plaintiff has right to 1/3rd share and enjoyment in the suit property. She has also made statement that neither of the defendants and is intending to alienate the suit property or to otherwise deal with the same. Ld. Advocate for defendants has filed written undertaking to that effect.

4) In light the written undertaking that the defendants would not cause any obstruction into plaintiff's right to enjoy suit flat, to enter in and to jointly possess along with the other co-owners and that the status of the property would be preserved. This addresses the apprehension of being obstructed and apprehension of property being alienated.. The undertaking would certainly carry effect in the light of XXXIX Rule 11 (Bombay Amendment) Manual of the Code of Civil Procedure, 1908 and would practically act as injunction.

5) Both the parties have consented to determine the date when plaintiff would visit the suit flat and defendants would act as per written undertaking given, the terms of which, would operate as injunction. Hence, the order:-

- ORDER -

1. The Notice of Motion No.2766/2026 stands disposed of as per terms of undertaking Exh-8 :

a) Defendant No. 1 and 2 shall not obstruct the entry into, and continuous of enjoyment of suit flat by plaintiff, who is to visit the flat on 11/06/2026

b) No party shall alienate the suit property.

- c) No party shall alienate the suit property.
- d) Parties shall abide by all terms of undertaking.
- e) The compliance of the undertaking shall be till disposed of final suit. In default of compliance of undertaking, the terms of undertaking shall operate as the temporary injunction.

2. Notice of Motion No. 2766/2026 is disposed off accordingly.

Sd/-
(D. R. DESHPANDE)
Judge,
City Civil Court,
(Court Room No.66)
Mumbai.

Date : 08/06/2026

Dictated on : 08/06/2026.
Signed on : 08/06/2026.

“CERTIFIED TO BE TRUE AND CORRECT COPY OF THE ORIGINAL
SIGNED JUDGMENT/ORDER”

UPLOAD DATE AND TIME
08/06/2026

NAME OF STENOGRAPHER
Mrs. S. A. Shekade

Name of the Judge (with Court Room no.)	HHJ Mrs. M.M.Deshpande. (Court Room No.66).
Date of Pronouncement of Judgment/Order	08/06/26
Judgment/Order signed by P.O. on	08/06/26
Judgment/Order uploaded on	08/06/26