

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

INTERIM APPLICATION (L) NO. 1037 OF 2021

IN

SUIT (L) NO. 1029 OF 2021

Jagdish P. Tarwala @ Gandhi & Anr.

.. Applicants

v/s.

Aryaveer Developers and Ors.

.. Respondents

Mr. Ranjeev Carvalho a/w. Mr. Prayag Joshi and Mr. Bipin Joshi for the
Applicant/ Plaintiff .

Mr. Sanjiv Sawant a/w. Mr. Abhishek Matkar i/b. Mr. Abhishek
Deshmukh for Defendant nos. 1 to 3.

CORAM : A. K. MENON, J.

DATED : 30th MARCH, 2021.

P.C. :

1. Mr. Carvalho states that all defendants have been served with notice of the hearing of 20th January, 2021. An affidavit of service dated 12th February, 2021 is on record which indicates that all the defendants were then served with notice informing that the matter would be taken up on 20th January, 2021. Remaining co-owners were not served and the matter was adjourned. Pleadings have since been completed. Defendant no. 6 was represented and undertook to enter appearance

but has not yet entered appearance. Defendant nos. 1 to 3 are represented. Defendant nos 4 to 12 are not represented despite being served with the initial notice. Mr. Carvalho states that Mediation was a possibility but other co-owners have not responded. In these circumstances he desires to apply for ad-interim relief :

Accordingly, I pass the following order :

- (i) Fresh notice by all modes of recorded delivery and including by email to be served on or before 9th April, 2021 on respondent nos. 4 to 12 informing them that the matter will be heard for ad-interim relief on 19th April, 2021 and that if they intend to file reply, reply shall be filed on or before 15th April, 2021. No further notice will be given to any of these defendants.
- (ii) Affidavit of service of fresh notice shall be filed on or before 15th April, 2021.
- (iii) Place for ad-interim relief on 19th April, 2021.

(A. K. MENON, J.)