



31-NMS287-16.DOC

2026:BHC-OS:9025

Santosh

IN THE HIGH COURT OF JUDICATURE AT BOMBAY

ORDINARY ORIGINAL CIVIL JURISDICTION

NOTICE OF MOTION NO. 287 OF 2016

IN

SUIT NO. 1848 OF 2008

The South Indian Bank Ltd.

...Applicant/
Defendant no.6

In the matter between

Surendra Laxman Raval

...Plaintiff

Versus

Mr. Shankar Dutt & ors.

...Defendants

Mr. Prashant A. Nakati, for the Plaintiff.

Mr. Susmit Phatate, for Defendant no.2.

Ms. Aneesa Cheema, a/w Mithila Damle, i/b Mahima Sinha,
for Phoenix ARC Ltd., Assignee of South Indian Bank
Ltd.

CORAM: N. J. JAMADAR, J.

DATED : 25th NOVEMBER, 2019

PC:-

1. Leave to amend. Amendment be carried out forthwith, in pursuance of order passed in Chamber Summons No.1027 of 2017.
2. Heard the learned Counsels for the parties.
3. By this notice of motion, the original defendant no.6 prayed for recalling and setting aside the order dated 23rd June, 2008, whereby defendant nos.1 to 3 were restrained from alienating and transferring or parting with the possession of the



suit property to the third party for a period of two weeks therefrom.

4. The record reveals that by order dated 16th June, 2016, the ad-interim order has been confirmed and it was made operative till the disposal of the suit. Even otherwise, the restraint order is passed against defendant nos.1 to 3.

5. In the aforesaid view of the matter, the notice of motion at the instance of defendant no.6 appears misconceived. If at all, the defendants are aggrieved by the restraint order dated 16th June, 2016, whereby the ad-interim order has been continued till the disposal of the suit, the defendants will have to initiate appropriate proceeding in respect thereof.

6. In view of above, the notice of motion stands dismissed.

[N. J. JAMADAR, J.]