

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

NOTICE OF MOTION NO.1080 OF 2019

IN

SUIT NO.147 OF 2017

Leroy Marcellus Misquitta)....Applicant

IN THE MATTER BETWEEN :

Lourdes Veronica Baptista through PA of)
Basil Robert Baptista)....Plaintiff

V/s.

M/s.Crescent Builders & Developers and Ors.)....Defendants

Mr.Rohaam Cama a/w Mr.Shanay Shah I/by Dione C.Baptista for plaintiff.

Dr.Birendra Saraf a/w Ms.Apurva Thipsay I/by Shreyas K.Vyas for defendant nos.1 & 2.

Ms.Raksha Thakkar I/by Parinam Law Associates for defendant nos.3, 4 & 5.

Ms.Soniya Putta a/w Mr.Mustafa Bohra I/by Solomon and Co. for defendant no.8.

CORAM : K.R.SHRIRAM,J

DATE : 15.4.2019

P.C.:-

1. Dr.Saraf for defendant nos.1 & 2 states that his instructions are, hopefully, the grievance of the applicant as regards execution of documents will be sorted out during the course of this week.

2. As regards the other claims in the Notice of Motion, Dr.Saraf states reply will be filed within two weeks.

3. Mr.Cama for plaintiff states that defendant no.8 is not entitled to execution of any document under the order dated 4.8.2017 as stated by Ms.Putta for defendant no.8. Mr.Cama states the applicant is an absconder who has been complicit in playing fraud on plaintiff. Mr.Cama states there are non bailable warrant pending against the applicant. Naturally Ms.Putta denies. Ms.Putta states that non bailable warrant does not pertain to this matter. Mr.Cama seeks leave to tender affidavit in reply in the registry. Registry to take the same on record.

4. Dr.Saraf states in view of what has come from Mr.Cama, defendant nos.1 & 2 may have to re-consider their stand.

5. Notice of Motion be listed for hearing on 11.6.2019.

(K.R.SHRIRAM,J)