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

SUIT No. 3553 OF 2004

M/s. Mahendra Builders ... Plaintiff  
Vs.  
Brihan Mumbai Municipal Corpn. Of Gr.  
Bombay and Ors. ... Defendants

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Mr. Sharan Jagtiani a/w Ms. Janhvi Durve i/b M/s. K. Ashar & Co.,  
for the Plaintiff.

Mr. R. Y. Sirsikar i/b S. H. Ujjainwala & Ors., for Defendant No.1.

Mr. Vishal Maheshwari i/b Khaitan & Co., for defendant Nos. 2  
and 3.

Mr. M. D. Chavan, for defendant Nos. 4, 6 to 10.

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CORAM : S. J. VAZIFDAR, J.

DATE : SEPTEMBER 30, 2009.

PC :-

1. The only impediment in the plaintiff's way of occupying the premises pursuant to the order dated 24<sup>th</sup> November 2006 read with ad interim order dated 20<sup>th</sup> December 2005 is that the Customs authorities are refusing to confirm the position for one way or the other. It is therefore, necessary to ascertain whether any part of the premises is under their seal.

2. In the circumstances, the office is directed to issue notice to the Commissioner of Customs (Preventive), New Custom House, Ballard Estate, Mumbai-400 001, calling upon the Customs Authorities to inform the Court whether any part of the suit premises is under their seal or not. The Customs Authorities are directed to remain present either themselves or through an advocate to inform the Court accordingly. S.O to 12<sup>th</sup> October 2009 at 11 a.m.

3. All parties are directed to act upon authenticated copy of this order, attested by the Associate or the Personal Assistant.