

FARAD CONTINUATION SHEET
IN THE HIGH COURT OF JUDICATURE AT BOMBAY.
CIVIL APPELLATE SIDE JURISDICTION.

CIVIL APPLICATION NO.2103 OF 2012
IN
FIRST APPEAL NO.277 OF 2010

Office Notes, Office Memoranda of Coram, Appearances, court's orders or directions and Registrar's orders	Court's or Judge's orders
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Mr. Owen Menezes i/b. S. Lakhani for the Applicant

Mr. Anil C. Singh, Additional Solicitor General of India with Mr. A. D. Yadav i/b. A. K. Nandanwar for the Respondent.

CORAM : K. K. TATED, J.

DATE : MARCH 9, 2015

P.C.:

1. Heard. This Application is preferred by the original Plaintiff for two reliefs; i.e. (a) direct the Respondent to construct a compound wall around the suit property, pending the hearing and final disposal of the First Appeal or allow the Applicant to construct the same, subject to outcome of the First Appeal, and; (b) for early hearing of the First Appeal.

2. In the present proceedings, the prayer (a) cannot be considered, because, earlier this court (Coram : R. G. Ketkar, J.) by order dated

27/07/2010in Civil Application No.5055/2009 granted liberty to the Applicant to make an appropriate Application to the Corporation for construction of a compound wall around the suit premises. Till today, the Applicant has not made any Application to the Corporation. Hence, prayer clause (a) is rejected.

3. The second prayer is for early hearing of the First Appeal. The appeal is of 2010. Considering the pendency of the First Appeals, at present, it is not possible to consider this prayer. Hence, second prayer is also rejected.

4. Liberty granted to the Applicant to move for earlier hearing of First Appeal, after one year, which will be decided on its own merits.

5. Civil application stands disposed off accordingly.

JUDGE