

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION**

WRIT PETITION NO.6093 OF 2014

Kumar Builders and others

.. Petitioners

Versus

Kumar Elixir Co-op. Hsg. Society and others

.. Respondents

Mr. Sukand R. Kulkarni, for the Petitioners.

Mr. Vaibhav Krishna i/by Juris Consillic, for the Respondent No.1.

CORAM : R.M. SAVANT, J.

DATE : 24th FEBRUARY, 2015

PC.

1. The order dated 03.05.2014 passed by the Learned District Judge-12, Pune whereby the application Exh.3 for stay pending the Appeal was partly allowed is taken exception to by way of the above Petition.

2. The said application was allowed to the following extent -

“1] The application is partly allowed.

2] The respondents are hereby temporary restrained from carrying any activities of development and disturbing possession of plaintiff flat owners on open space till disposal of this appeal.

3] The parties to bear their own costs.”

The above Petition had come up for admission before a Learned Single Judge of this Court on 21st July, 2014 when notice came to be issued and

ad-interim relief in terms of prayer clause (c) was granted restricting the second part of the operative order i.e. restraining the Petitioner from disturbing the possession of the Respondents on the open space. Since the Appeal is yet pending and since the order passed by the Learned Single Judge is operating from 21st July, 2014, in my view, it would be just and proper to continue the said order and direct the Lower Appellate Court to dispose of the Appeal within a particular time frame. The Lower Appellate Court is accordingly direct to hear and dispose of the Misc. Civil Appeal No.193 of 2014 latest by 31st May, 2015. The order dated 21st July, 2014 passed by the Learned Single Judge of this Court would operate during the pendency of the Appeal. With the aforesaid directions, the Writ Petition is disposed of.

[R.M. SAVANT, J]