

CAAST.20717.15(3)

mm

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

**APPEAL FROM ORDER (ST) NO. 20715 OF 2015
WITH
CIVIL APPLICATION (ST) NO.20717 OF 2015
IN
APPEAL FROM ORDER (ST) NO. 20715 OF 2015
IN
L.C. SUIT NO. 625 OF 2015**

Chirag Shah & Anr.

...Appellants

Vs.

Mrs. Alka Jitendra Trivedi

...Respondent

Mr. R.M. Vasudeo i/b. Amarendra Mishra for the Appellants
Ms. Nikita Mody i/b. For Mr. M.D. Shah & Mr. R.M. Salvi
for Respondent

**CORAM : MRS. ROSHAN DALVI, J.
DATED : 31ST AUGUST, 2015**

P.C. :

1. The order not to dispossess the plaintiff came to be passed on 17th July, 2015 in the above suit. The plaintiff has, thereafter alleged that she has been dispossessed and taken out another notice of motion in the above suit for restoration of status-quo.
2. The appellants who are defendant Nos. 1 and 2 in the suit have filed affidavit in reply to that notice of motion. That notice of motion will require to be heard on merits. Each

CAAST.20717.15(3)

party has to show his or her case to the learned Judge. The appellants apprehend that the learned Judge may be influenced by his earlier order. That would go against the grain of judicial discipline. Such an apprehension cannot be accepted. There shall be no stay of the notice of motion taken out in the trial Court. The appeal is wholly misconceived and is dismissed.

3. Civil Application is disposed off accordingly.

(ROSHAN DALVI, J.)