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

**APPEAL FROM ORDER NO.1028 OF 2015
ALONG WITH
CIVIL APPLICATION NO. 1257 OF 2015
IN
APPEAL FROM ORDER NO.1028 OF 2015**

M/s. Maulesh Builders Pvt. Ltd. ...Appellant/Orig. Defendant No.3
Vs.

Mustak Ahmed Abdul Hakim & Ors. ...Respondents

**ALONG WITH
APPEAL FROM ORDER NO. 1030 OF 2015**

M/s. Maulesh Builders Pvt. Ltd. ...Appellant/Orig. Defendant No.3
Vs.

Niyaz Ahmed & Ors. ...Respondents

Mr. Salik Khan for the Appellant
Mr. S.P. Srivastava for Respondent No.1

**CORAM : MRS. ROSHAN DALVI, J.
DATED : 3RD SEPTEMBER, 2015**

PC. :

Rule. Returnable forthwith.

1. The appellant has challenged the order dated 23rd July, 2015 pressing certain mandatory directions. The order records that the appellant, who was defendant No.3 in the suit, has assured that he will provide alternate transit accommodation. The appellant states that this statement is incorrectly recorded and that he did not make such

statement.

2. There are 5 suits filed with regard to the same property. The same statement is stated to have been recorded in all the orders. The statement would apply to some of the suits. It is conceded by respondent No.1, that though the statement would be recorded in some of the suits, it has been recorded in all the 5 orders.
3. Hence the order dated 23rd July, 2015 is set aside.
4. The appellant shall file its affidavit-in-reply to the notice of motion in the trial Court in Suit No. 1638 of 2015 within 2 weeks from today. The learned Judge shall consider that affidavit in the notice of motion and pass an order on merits.
5. Parties shall maintain status-quo until the disposal of the notice of motion.
6. Both the Appeals and Civil Application are disposed off accordingly. So soon as the affidavit-in-reply is filed the appellant shall be entitled to have the notice of motion placed on board of the learned Judge for disposal. The learned Judge shall dispose off the notice of motion expeditiously.
7. Appeal from Order and Civil Application are disposed off accordingly.

(ROSHAN DALVI, J.)