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IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION

APPEAL FROM ORDER NO.1027 OF 2014
IN
NOTICE OF MOTION NO.2035 OF 2012
IN
SUIT NO.1972 OF 2012

Charles A. Paul & Anr.	...Appellants
V/s.	
Salim Kapadia & Ors.	...Respondents

Mr.Amir Arsiwala with Ms.Mallika Taly i/b S.Mahomedbhai & Co. for
the Appellant.

Mr.A.S. Metar for the Respondent Nos.1, 6 and 7.

CORAM : R.D. DHANUKA, J.
DATE : 23RD NOVEMBER, 2015.

P.C. :-

1. The appellants (original plaintiffs) have filed a suit under section 6 of the Specific Relief Act before the learned trial Court alleging their dispossession by the respondent nos.1 to 4. By an order passed by the learned trial Judge on 18th July, 2014, the learned trial Judge has granted injunction against the respondents from creating any third party rights or parting with possession of the suit room till disposal of the suit. The learned trial Judge however has not granted mandatory order for dispossession of the defendants from the suit

premises and to hand over the same to the plaintiffs. The defendants have already filed the written statement.

2. The alleged dispossession has already taken place on 11th April, 2012. There is no mandatory order of possession in favour of the appellants since then. It would be appropriate and in the interest of justice that hearing of the suit is expedited. The written statement has already been filed by the defendants.

3. Both the parties are directed to comply with other pre-trial formalities for commencement of the trial expeditiously. The appellants have already filed affidavit in lieu of examination in chief of the first witness. The issues are not yet framed by the learned trial Court. The learned trial Court is directed to place the matter on board on 14th December, 2015 for framing issues and issue other directions for the commencement of the trial. The trial Court shall make an endeavor to dispose of the suit within a period of one year from the date of commencement of the trial.

4. It is made clear that the observations made by the learned trial Judge in the impugned order are *prima-facie*. The trial Court shall not be influenced by the observations made in the impugned order while disposing of the suit.

5. The appeal from order is accordingly disposed of in aforesaid terms.

6. In view of disposal of the appeal from order, the civil application, if any, does not survive and is accordingly disposed of.

No order as to costs.

(R.D. DHANUKA, J.)