

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

***APPEAL FROM ORDER NO.1158 OF 2015
along with
CIVIL APPLICATION NO.1447 OF 2015
in
APPEAL FROM ORDER NO.1158 OF 2015***

Abdul Kasim Shaikh & Anr. .. Appellants/Applicants

Vs.

Roshanara Aftab Shaikh .. Respondent

Ms.Shabana F.Sothe for the appellants/applicants.

Mr. J.A.Jayale for the respondent.

CORAM : R.D. DHANUKA, J.

DATE : 26th November 2015

P.C.

. Learned counsel appearing for the respondent submits that the appellants have illegally trespassed upon the premises. Learned counsel appearing for the appellants disputes the statement made by the learned counsel for the respondent.

2. The present appeal arises out of the ad-interim order passed by the learned trial Judge in the notice of motion filed by the respondent (original plaintiff). Affidavit-in-reply is filed by the appellants before the trial Court. The apprehension of the respondent is that the appellants will make physical assault on the respondent who was staying alone in the suit premises.

3. Learned counsel for the appellants states that the appellants would not assault the respondent physically or otherwise. Statement is accepted.

4. Both the parties have agreed to maintain law and order in the suit premises. The appellants are directed to file an affidavit-in-reply and serve a copy thereof upon the respondent's advocate simultaneously. Rejoinder, if any, shall be filed within two weeks from the date of service of the affidavit-in-reply.

5. The trial Judge shall make an endeavour to dispose of the notice of motion within three months from today.

6. Both the parties are directed to co-operate with each other and with the learned trial Judge in expeditious disposal of the notice of motion and will not seek unnecessary adjournments.

7. Stay granted by the trial Court on the ad-interim order is continued till disposal of the notice of motion and for a period of two weeks thereafter. It is made clear that the observations made by the learned trial Judge are tentative.

8. The appellants are directed not to create any third party rights in respect of the suit premises during the pendency of the notice of motion.

9. Appeal from Order is disposed of in aforesaid terms. No order as to costs. In view of disposal of the appeal, civil application does not survive and is accordingly disposed of.

R.D. DHANUKA, J.