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IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION

APPEAL FROM ORDER NO.1236 OF 2015
WITH
CIVIL APPLICATION NO.90 OF 2016

Our lady of Vailannkanni & Perpetual
Soccour Co-op. Hsg. Soc. Ltd.
V/s.

...Appellant

St.Michael's Church & Ors.

...Respondents

Mr.Girish Godbole, Senior Counsel i/b Mr.Ashok V. Jain for the
Appellant.

Mr.Mayur Khandeparkar with Ms.Apeksha Kadam for the
Respondent No.3.

CORAM : R.D. DHANUKA, J.
DATE : 1ST MARCH, 2016.

P.C. :-

1. By consent of parties, the following order is passed :-
 - a). The impugned order dated 11th September, 2015 passed by the learned trial Judge dismissing Notice of Motion No.957 of 2011 is set aside. Notice of Motion No.957 of 2011 is restored to file.
 - b). The learned trial Judge shall decide Notice of Motion No.957 of 2011 afresh without being influenced by the observations and conclusions drawn in the impugned order dated 11th September, 2015 and in accordance with law within four months from today.

c). The order passed by this Court on 13th March, 2013 in Appeal From Order No.176 of 2013 directing the parties to maintain *status-quo* as on the date of the said order to continue till the disposal of the notice of motion and for a period of two weeks thereafter.

2. It is made clear that this Court has not expressed any views on the merits of the matter.

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

4. In view of the disposal of the appeal from order, the civil application does not survive and is accordingly disposed of. No order as to costs.

5. The parties as well as the learned trial Judge to act on the authenticated copy of this order.

(R.D. DHANUKA, J.)