

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION
CIVIL APPLICATION NO.272 OF 2016**

IN

CIVIL REVISION APPLICATION NO.65 OF 2016

In the matter of :

Laxmibai Jayram Utekar

..

Applicant/
Orig.R.no.4

Between

M/s Cosmic Developers

..Applicant/
Petitioner.

Vs

1.State of Maharashtra and Ors.

.. Respondents

Mr. M.V.Holamogi, Advocate for Applicant.

Mr. I.K.Tripathi i/b P.K.Gautam Advocate for original petitioner.

CORAM : R.G.KETKAR,J.

DATE : 22/04/2016

PC:

1. Heard Mr. M.V.Holamogi, learned counsel for the applicant and Mr. I.K.Tripathi, learned counsel for original petitioner.

2. By this Application, the applicant has prayed for following reliefs:

(a) The order passed by this Hon'ble Court dated 31.3.2016 in Civil Revision Application No.65 of 2016 and the order and observation made therein be modified by giving the liberty and permission to seek consequential and necessary alternative remedy to protect the interest of the present Applicant/original respondent no.4 and pass such orders and directions as deem fit and proper.

(b) That this Hon'ble Court be pleased to extend the status quo granted on 31.3.2016 which was consequence upon the status quo running and in operation from 19.1.2011 be continued till end of July, 2016 and pass such orders and

directions as this Hon'ble Court deem fit and proper.

3. By prayer clause (a), the applicant has sought modification of order dated 31.3.2016 so as to give him liberty to adopt alternate remedy to protect interest of the applicant. By Prayer clause (b), the applicant has sought extension of status-quo order till the end of July, 2016.

4. While allowing Civil Revision Application, I have noted that till date respondent no.4 did not challenge the order dated 18.5.2010 which was confirmed by the appellate authority on 6.6.2014. It was further noted that the order dated 18.5.2010 having been confirmed by the appellate authority has attained finality. After considering the material on record, ultimately, it was held that the suit instituted by the applicant is merit-less, in the sense, of not disclosing clear right to sue. It was also held that suit is inspired by vexatious motives and altogether groundless.

5. On behalf of the applicant, oral application was made for continuation of the order dated 19.1.2011 passed by the learned trial Judge directing the parties to maintain status quo as of that date for a period of eight weeks. Mr. Tripathi opposed that application on the ground that because of the suit structure respondent no.4 herein is not in a position to hand over

possession to the slum dwellers though development is completed. Having regard to the fact that the status-quo was operating since 19.1.2011 as also taking into account the difficulties expressed by Mr. Tripathi, the order directing the parties to maintain status-quo was continued for a period of 4 weeks.

6. After perusing the application, no case is made out for modification or for extension of time. Hence, Application fails and the same is dismissed.

7. All parties to act on the authenticated copy of the order.

(R.G.KETKAR, J.)