

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

**APPEAL FROM ORDER STAMP NO.15152 of 2016
ALONG WITH
CIVIL APPLICATION NO.15154 OF 2016**

Sarabjot Singh Sahni : Appellant/Applicant.

Versus

Inderpal Harpal Singh : Respondent.

**Mr. Dipen Furia i/by Shah & Furia Associates for the Appellant/Applicant.
Mr. Ramesh Dube-Patil for the Respondent.**

CORAM : R. M. SAVANT, J.

DATE : 05th July 2016

P.C.

1 The learned counsel for the Appellant tenders speaking order dated 17/05/2016 passed by the Trial Court i.e. the learned Judge of the City Civil Court, Greater Bombay. The said order is taken on record as Annexure to Exhibit A in the above Appeal from Order, which is the Roznama of the said date. Amendment to be carried out forthwith.

2 By the said order dated 17/05/2016 the learned Judge of the City Civil Court has refused to grant interim prayers prayed for in the un-registered Notice of Motion filed by the Defendant in the Counter Claim i.e. the original Plaintiff in the suit. The Notice of Motion however is adjourned to 08/07/2016 which is 3 days from today.

3 On behalf of the Respondent herein an affidavit in reply has been

filed to the Civil Application in the Appeal from Order wherein the stand taken is that the suit premises have been given on leave and license basis by virtue of the agreement dated 30/03/2016 which is annexed to the affidavit in reply at running page 88 which is a notarized document.

4 The learned counsel appearing on behalf of the Appellant states that the affidavit in reply has also been filed by the Respondent i.e. the Plaintiff in the Counter Claim to the Notice of Motion filed by the Appellant wherein the stand taken is that third party rights have been created in respect of the suit premises.

5 Be that as it may, since the Notice of Motion is to come up for hearing on 08/07/2016 it would be just and proper to direct the Trial Court i.e. the learned Judge of the City Civil Court Greater Bombay to hear and decide the said Notice of Motion within a particular time frame. Hence the following directions :-

[1] The impugned order dated 17/05/2016 is not interfered with.

[2] However, the hearing of Notice of Motion No.2135 of 2016 is expedited and is directed to be disposed of by 31/08/2016. Needless to state that the said Motion would be disposed of on its

own merits and in accordance with law uninfluenced by the impugned order dated 17/05/2016. The parties would be offered proper opportunity in that respect.

[3] In so far as interim order pending the Notice of Motion is concerned, status quo as on date in respect of the suit premises would be maintained by the Respondent herein i.e. the Plaintiff in the Counter Claim meaning thereby the position as is prevailing on account of the leave and license agreement would continue till disposal of the Notice of Motion.

[4] With the aforesaid directions, the above Appeal from Order stands disposed of.

[5] In view of the disposal of the above Appeal from Order, Civil Application Stamp No.15154 of 2016 does not survive and the same to accordingly stand disposed of as such.

[R.M.SAVANT, J]