

**FARAD CONTINUATION SHEET
IN THE HIGH COURT OF JUDICATURE AT BOMBAY.
CIVIL APPELLATE JURISDICTION.**

**CIVIL APPLICATION NO. 2171 OF 2015
IN
FIRST APPEAL NO. 1347 OF 2014**

Office Notes, Office Memoranda of Coram, Appearances, court's orders or directions and Registrar's orders	Court's or Judge's orders
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Ms. Urvi Dave for the applicant.

Mr. S.P. Thorat for the respondent no.1 MHADA.

Mr. P. G. Sawant for Respondent Nos. 2 and 3.

CORAM : K. K. TATED, J.

DATED : 23/02/2016

PC.:

. Heard learned Counsel for the parties.

2 This application is preferred by original plaintiff restraining the Respondents from disturbing his possession in respect of Shop No. 6 which was allotted to him by allotment letter dated 18.09.2007 and handed over possession letter dated 20.09.2007.

3 The learned counsel for the applicant submits that Trial Court during the pendency of the suit granted interim protection restrained the Respondents from disturbing the Applicant's possession of Shop No.6. She submits that this Court also granted ad-interim relief by order dated 29.06.2015. She submits that as on today the applicant is in possession of the Shop No. 6. She

submits that in view of this fact, this Hon'ble Court be pleased to restrain the Respondents from dispossessing the applicant physically from the suit premises in any manner till the hearing and final disposal of the First Appeal. She submits that in alternate, the prayer clause (a) of the Civil Application, this Hon'ble Court be pleased to direct both the parties to maintain status quo till the hearing and final disposal of the First Appeal. She submits that if the interim protection is not granted, irreparable loss and injury will be caused to the applicant.

4 On the other hand, the learned Counsel for the Respondent Nos. 1 MHADA and learned Counsel for the Respondent Nos. 2 and 3 vehemently opposed the present Civil Application.

5 Both the Counsel submit that the applicant forcibly took possession of Shop no.5 admeasuring 20.58 sq. mtr area and him numbered as Shop No.6.

6 The learned Counsel for the Respondent No.2 submits that actually the shop admeasuring 20.58 sq. mtr bearing No.5 was allotted and handed over the possession to him by letter dated 18.09.2007. Hence, there is no question of granting any interim relief in favour of applicant.

7 I heard both the sides at length. It is to be noted that at present, applicant is in possession of

the Shop No.6. The said possession was protected by the Trial Court during the pendency of suit.

8 Considering this fact, I am of the opinion that pending the hearing and final disposal of First Appeal, both the parties to maintain status quo as of today. It is made clear that applicant is restrained from creating any third party rights, title and interest in respect of suit property.

9 Hence, following order is passed:

a) Both the parties are directed to maintain the status quo as of today till the hearing and final disposal of First Appeal.

b) Applicant is restrained from creating any third party rights, title and interest in respect of suit property till the hearing and final disposal of the First Appeal.

c) Civil Application stands disposed of accordingly.

(K.K.TATED, J.)