

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

**APPEAL FROM ORDER (ST.) NO.22590 OF 2015
with
CIVIL APPLICATION (ST.) NO.22597 OF 2015
in
APPEAL FROM ORDER (ST.) NO.22590 OF 2015**

Sunita Prashant Sawant .. Appellant/Applicant

Vs.

Vanmala Pandurang Sawant & Ors. .. Respondents

Mr.Kishor Josh i/by M/s.Corpslegal for the appellant/applicant.

Mr.Hemant Ghadigaonkar for the respondents.

CORAM : R.D. DHANUKA, J.

DATE : 24th February 2016

P.C.

. By this appeal from order, the appellant (original plaintiff) has impugned the order dated 11th February 2015 passed by the learned trial Judge dismissing the Notice of Motion No.3082 of 2014 which was filed by the appellant inter alia praying for an injunction against the defendants from creating third party rights in respect of the suit premises and also obstructing the appellant from entering into the suit premises.

2. The appellant (original plaintiff) is daughter-in-law of the respondent no.1 (defendant no.1). The husband of the appellant expired on 12th September 2012 and since then the appellant has been staying with her parents. There was no ad-interim injunction in favour of the appellant during the pendency of the notice of motion. Admittedly, the suit premises were inherited by the defendant no.1 from her mother in the year 1994 and since then the tenancy receipt was in favour of the defendant no.1.

3. In my view, for the reasons recorded aforesaid, there is no infirmity with the order passed by the learned trial Judge dismissing the notice of motion filed by the appellant.

4. Considering the facts of this case, however, the hearing of the suit is expedited. Learned trial Judge shall make an endeavour to dispose of the matter within two years from the date of commencement of the oral evidence.

5. Appellant is granted two weeks' time to file affidavit of evidence in lieu of examination-in-chief. The same shall be served upon the defendants' advocates simultaneously. It is made clear that no further extension of time would be granted for filing of affidavit of evidence.

6. Appeal from order is dismissed. In view of dismissal of the appeal, civil application does not survive and is accordingly dismissed. No order as to costs.

R.D. DHANUKA, J.