IN THE HIGH COURT OF JUDICATURE AT MUMBAI

CIVIL APPELLATE JURISDICTION

WRIT PETITION NO.11278 OF 2016

Prabhu Narayan Singh and another … Petitioners
Vs.
Amum Builders through its Partner Mukesh Nisar … Respondent

Mr. Murthy i/b. Mr. Omar K. Shaikh for Petitioners.
Mr. P. S. Dani, Senior Advocate a/w. Mr. P. M. Shah a/w. Mr. Neel Gala and Mr. N. M. Dedhia for Respondent.

CORAM : R. G. KETKAR, J.
DATE : 24TH OCTOBER 2016

P.C. :

Heard Mr. Murthy, learned Counsel for petitioners and Mr. Dani, learned Senior Counsel for respondent.

2. The matter was heard on 29.09.2016 at the production stage. In that order, submission made by Mr. Murthy that respondents have broke open the locks and have taken possession was recorded. He submits that as the appeal is pending before the appellate Court and that respondent has taken possession, he will not press this Petition and the same may be disposed as withdrawn. He submits that Court has issued injunction restraining the respondent from demolishing the suit premises and / or creating third party interest and / or parting with possession of the suit premises. He submits that the said interim order may be continued for four weeks from today so as to enable the petitioners to take out appropriate application before the appellate Court.

3. Mr. Dani submits that if such liberty is given to the petitioners, all contentions of the respondent may be kept open.

4. In view thereof, on the motion made by Mr. Murthy, Petition is

allowed to be withdrawn. The injunction restraining respondent from demolishing the suit premises and / or creating third party interest and / or parting with possession is continued for the period of four weeks from today so as to enable the petitioners to take out appropriate application. Continuation of this interim relief shall not be construed as an expression of merits either way. If such application is taken out, the appellate Court will decide the same in accordance with law and uninfluenced by the observations made herein. Petition is disposed of in the aforesaid terms. Order accordingly.

(R. G. KETKAR, J.)

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