

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION
APPEAL FROM ORDER (ST) NO.31467 OF 2015

Astible Properties Pvt. Ltd. & Ors.

..... Appellants

VERSUS

Rahil Nishar Johari & Ors.

..... Respondents

Mr.Sanjiv Sawant for the Appellants.

Mr.Tushar Bhavsar, a/w. Mr.Ankit Rajput, Mr.R.Bhat, i/b.Mr.Manoj Bhatt for Respondent No.1.

CORAM : R.D. DHANUKA, J.

DATED : 8th FEBRUARY, 2016

P.C.

Mr.Bhavsar, learned counsel for the respondent no.1 (original plaintiff) on instructions states that the respondent no.1 is not in possession of the suit property as on date. Statement is accepted.

2. Mr.Sawant, learned counsel appearing for the appellants prays that notice of motion be heard expeditiously and seeks time of one week to file additional affidavit in reply. Additional affidavit in reply shall be filed within one week from today and shall be served upon the plaintiff's advocate simultaneously.

3. Rejoinder shall be filed within one week from the date of the service of additional affidavit in reply and a copy thereof shall be served upon the defendants' advocate simultaneously.

4. Ad-interim order of status quo granted by the learned trial judge to continue

till 18th April, 2016. The learned trial judge shall dispose off the notice of motion on or before 5th April, 2016. It is made clear that this court has not expressed any views on the merits of the matter. The learned trial judge shall dispose off the notice of motion without being influenced by the observations made in the impugned order. All contentions of both the parties are kept open. Appeal from order is disposed of in the aforesaid terms. No order as to costs. In view of disposal of appeal from order, civil applications pending if any, do not survive and are accordingly disposed off.

5. If the court is not available for any reasons for disposal of this notice of motion, the plaintiff would at liberty to seek continuation of the ad-interim order passed by this court. Defendant would be at liberty to apply for vacating such ad-interim order in such an event.

[R.D. DHANUKA, J.]