

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

**APPEAL FROM ORDER NO.331 OF 2016
WITH
CIVIL APPLICATION NO.428 OF 2016
IN
APPEAL FROM ORDER NO.331 OF 2016**

Mrs.Alka Jitendra Trivedi ...Appellant/Applicant
Versus
Chirag Trikamlal Shah & Anr. ...Respondents

Ms.Jegna Shah a/w Ms.Meetal Savla i/b Mr.P.M. Shah for the
Appellant/Applicant.

Mr.Amarendra Mishra for Respondent Nos.1 & 2.

CORAM : M. S. SONAK, J.

DATE : 24 MARCH 2017

P.C.

1. Heard the learned counsel for the parties.

2. The challenge in this appeal is to the order dated 11 December 2015 made by the learned Trial Judge declining the appellant-plaintiff mandatory injunction at the interim stage. In the Notice of Motion, the appellant had applied for restoration of possession and maintenance of *status-quo ante*.

3. The learned Trial Judge, in the impugned order, has stated that this is a matter which will require trial and therefore, a relief of such nature, need not be granted at the interim stage itself. The learned Trial Judge, on this basis, has declined the relief of mandatory injunction at the interim stage. At this stage, there is no necessity to interfere with the impugned order. However, in the facts and circumstances of the present case, even the respondents, are required to be put to terms. This means that even respondents will have to maintain *status-quo* during the pendency of the suit. The respondents are directed to maintain *status-quo*. The respondents are also restrained from creating any third party rights and parting with the possession of the suit premises during the pendency of the suit.

4. The learned Trial Judge is requested to dispose of the suit as expeditiously as possible.

5. In disposing of the suit on its own merits and in accordance with law, the learned Trial Judge need not be influenced by any of the observations made in the impugned order and for that matter the order passed by this Court.

6. All contentions of all parties are left open for the determination by the learned Trial Judge.

7. The appeal is accordingly, disposed of in the aforesaid terms. In view of the disposal of the Appeal, the Civil Application does not survive and the same is also disposed of.

(M. S. SONAK, J.)