

` Santosh

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION
APPEAL FROM ORDER NO.565 OF 2014**

Rukmini Krishnamurthy

...Appellant

Versus

Rashmi Sanjay & Anr

...Respondents

**Ms Debashree Mondpe, i/b Ganesh & Co, for the Appellant.
Mr Bipin Joshi, for Respondent No.1.**

CORAM: G.S. PATEL, J

DATED: 10th July 2017

PC:-

1. The Plaintiff is the mother-in-law of the 1st Defendant and the mother of the 2nd Defendant. At the time the Suit was filed she was 73 years old. That was in 2012. In the Suit, the Plaintiff demanded possession of the suit premises and a direction against her son to take her daughter-in-law to reside with him elsewhere. The Motion sought an order that the daughter-in-law should replace the new locks in the suit flat. The Plaintiff claimed that she was the true owner of the suit flat which had purchased from her own funds.

2. The learned Judge of the City Civil Court held against the Plaintiff; she is in appeal.

3. Having regard to the nature of the controversy, I do not think that it is necessary to examine this on merits at this stage simply because four years have since passed and the Suit is now approaching trial. There is no protective order in the Appeal either. A previous attempt at mediation seems not to have been successful. The trial should proceed expeditiously, not only because of the relationship between the parties but because of the Plaintiff's age.

4. The Appeal is accordingly dismissed. No costs.

5. This is without any assessment on merits of the case. All rights and contentions are kept open. The suit is to be tried and decided on its merits uninfluenced by the observations of the interim order. The Suit is expedited.

(G. S. PATEL, J.)