

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION
APPEAL FROM ORDER NO. 22 OF 2017
WITH
CIVIL APPLICATION NO. 27 OF 2017

Mr. Viren K. Valani and anr. .. Appellants
vs.
Mrs. Minakshi K. Valani and anr. .. Respondents

Ms Trupti A. Bharadi for the Appellants.
Mr. H.P. Vyas for Respondent No.1.

CORAM : M. S. SONAK, J.
DATE : 20 JANUARY 2017.

P.C. :-

- 1] Heard learned counsel for the parties.
- 2] This appeal is disposed of with the following consent order:
 - a] The appellants, i.e., Viren Valani and Meeta Valani alongwith their daughter will vacate the suit premises on or before 28 February 2017 positively without seeking any further extension of time;
 - b] The arrears at the rate of Rs.22,000/- per month shall be cleared on or before 28 February 2017;
 - c] With effect from 31 March 2017, the appellants, instead of paying Rs.22,000/- per month to the respondents, will pay only a sum of Rs.5,000/- per month to the respondents. Such payment shall be made on or before 5th day of each succeeding month; and

d] The respondents shall themselves occupy the suit premises, but not to sell, transfer, part with possession or create any third party rights therein during pendency of the suit.

3] The aforesaid interim arrangement shall abide by the final orders that may be made in the suit. It is made clear that this interim arrangement is without prejudice to the rights and contentions of all the parties. Therefore, on the basis of this interim arrangement, none of the parties shall claim any rights or equities. Accordingly, the impugned order stands modified in the aforesaid terms.

4] In view of above, the appeal from order is disposed of. The civil application in this appeal from order does not survive and the same is disposed of accordingly.

5] However, the trial court is requested to dispose of the suit as expeditiously as possible and in any case within a period of one year from today.

(M. S. SONAK, J.)

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