

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

**APPEAL FROM ORDER NO.1147 OF 2010
WITH
CIVIL APPLICATION NO.708 OF 2012
IN
APPEAL FROM ORDER NO.1147 OF 2010**

Shrutika M. Mhatre ...Appellant/Applicant
Versus
Ami Varsha Land Developer Pvt. Ltd.
& Others ...Respondents

Mr.Palash Dharmadhikari for the Appellant/Applicant.

Mr.Mayur Khandeparkar a/w Mr.Nitin Parkhe for Respondent No.1.

CORAM : M. S. SONAK, J.

DATE : 30 MARCH 2017

P.C.

1. Mr.Palash Dharmadhikari applies for an adjournment on the ground that his counsel is out stationed.

2. Mr.Khandeparkar, learned counsel for respondent No.1 points out that the suit is at an advanced stage. The evidence of the plaintiff and defendant No.1 has concluded. The defendant No.2 has also filed affidavit in the lieu of examination-in-chief and the matter is posted for his cross-examination.

3. The challenge in this appeal is to the order dated 16 January 2010 by which, the learned Trial Judge, declined interim

reliefs to the appellant-plaintiff. In this appeal, this Court, had not granted any interim reliefs. This means that from 2009 onwards, the appellant, have no interim relief in their favour. Th interim relief applied for was to restraint development in pursuance of the slum redevelopment scheme. The suit is an advanced stage and in all probabilities will conclude within next few months. In any case, directions can always be issued to ensure that suit itself be disposed of within a time bond schedule.

4. The learned Trial Judge is directed to expedite the hearing in the suit and to dispose of the same on its own merits and in accordance with law and within a period of four months from today. Further, in disposing of the suit on merits and in accordance with law, the learned Trial Judge need not be influenced by any observations in the impugned order dated 16 January 2010 or the present order dismissing this appeal. All contentions of all the parties are left open for determination by the learned Trial Judge.

5. It will not be appropriate, at this stage, to interfere with the impugned order. With the aforesaid observation the appeal is therefore dismissed.

(M. S. SONAK, J.)