

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

**CIVIL APPLICATION NO. 547 OF 2005
IN
FIRST APPEAL NO. 270 OF 2005**

Raman alias Ramesh Shankar Chhobadia & Anr. ...Appellants/Applicants
Vs.
M/s.Vibhushan Estate Pvt.Ltd. ...Respondent

Ms.P.P. Madhwani I/b. V.T. Lulia for Applicants.
Mr.V.S. Kapse I/b. S.G. Walam for Respondent.

CORAM : S.C. GUPTE, J.

13 APRIL 2017

P.C. :

Heard learned Counsel for the parties.

2 This civil application seeks restoration of possession of the suit premises to the Applicants (original Defendants). In pursuance of an exparte decree passed in favour of the original Respondent (since deleted and substituted with the present Respondent), the possession of the suit premises was taken over by the Respondent through the executing court. Though the exparte decree was eventually set aside and the suit was directed to be heard afresh by the Supreme Court, there was no order disturbing the Respondent's possession of the suit premises. The suit has since been decided finally in favour of the Respondent. The fresh decree has been passed as far back as on 7 February 2003. This appeal has been admitted in 2005. In the premises, today, when the appeal itself is ripe for hearing, there is no question of this court considering any application for

interim relief by way of restoration of possession to the Appellants. The application is, accordingly, dismissed.

3 It is, however, ordered that the first appeal itself may be taken up for hearing in the second week after reopening of courts, that is to say, in the week commencing from 12 June 2017.

(S.C. GUPTE, J.)