

Vidya Amin

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION

**APPEAL FROM ORDER (ST.) No. 25294 OF 2017
WITH
CIVIL APPLICATION (St.) No. 25296 OF 2017
IN
APPEAL FROM ORDER (ST.) No. 25294 OF 2017**

Amirullah Mohemmed Shafi Khan & Ors. ... Appellant/Applicant
Vs.
Iqbal Hussain Sultan Chaudhary ... Respondent

Mr. S.R. Suryawanshi i/b. Wasim R. Khan, Advocate for the
appellant.
Mr. V.T. Dubey, Advocate for the respondent.

**CORAM: MRS.MRIDULA BHATKAR, J.
DATE: 18th September, 2017.**

P.C.:

Upon mentioning, taken on production board.

2. This Appeal from Order is directed against the order of status quo granted by the trial Court on 5th August, 2017 in draft Notice of Motion in S.C.Suit No. 1708 of 2017.

3. It appears from the submissions of learned counsel for both the sides that the issue is in respect of actual possession of either of the parties. Both the parties have produced the photographs of the suit premises, on 26th July, 2017 by the respondent, on 27th August, 2017 by the appellant and on 17th September, 2017 again by the

respondent. The submissions are made by the learned counsel for the appellant that in the plaint, the suit premises is not specifically described and on this vague pleading, the order of status quo is granted. He submitted that the matter is fixed before the trial Court on 5th December, 2017 and in between, the appellant be allowed to fix the door and windows.

4. The learned counsel for respondent is also heard.

5. Considering the facts of the case and the photographs which are produced, I am not inclined to interfere with the order passed by the trial Court. The order of status quo to continue till next date. However, in between, the appellants/defendants to file affidavit-in reply in Notice of Motion within two weeks from today and if any rejoinder is required to be filed, that also can be filed. Notice of Motion is to be heard on or before 17th November, 2017.

6. Appeal from Order is disposed of. Civil Application is also accordingly disposed of.

(MRIDULA BHATKAR, J.)