

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

APPEAL FROM ORDER NO. 262 OF 2016

Shatrunjay Constructions & Developers
Pvt. Ltd.

... Appellant
(Orig. Plaintiff)

Vs.

Yasmin Fahim Sayyed & Anr.

... Respondents

....

Mr. Pravin Samdani, Sr. Adv. with Mansi Patel i/b Udwadia & Co. for the Appellant.

Mr. Surel S. Shah for the Respondent No. 2.

Mr. Rohan Cama a/w Mr. Shanay Shah i/b Mr. A.V. Joshi for the Respondent No. 1.

...

CORAM : A.A. SAYED, J.

DATE : 23 JANUARY 2017

P.C.:

1 After hearing the arguments for some time, learned Counsel for the parties are agreed to the following order being passed:

(1) The suit shall be disposed of expeditiously by the Trial Court and in any event before 31 October 2017.

(2) The Statement of learned Counsel for the Respondent No. 2/Original Defendant, on instructions from Jaiprakash S. Goel Director of Goel Ganga Developer Pvt. Ltd. is recorded that in the event construction in the suit property is to start, 15 days prior notice shall be given by the Respondent No. 2 to the Appellant. The Statement shall apply till the pendency of the Suit. The impugned order shall stand substituted by the Statement of the learned Senior Counsel..

(3) In the event such prior notice is given, the Appellant would

be at liberty to move a fresh Application for interim relief and the same will be decided without being influenced by the impugned order.

- 4 The Appeal to stand disposed of in the aforesaid terms.
- 5 All contention of the parties are kept open.

(A.A. SAYED, J.)