

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION
APPEAL FROM ORDER NO. 967 OF 2013

Narendrakumar D. Singh .. Appellant
vs.
Kripashankar J. Dube .. Respondent

None present for both sides.

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

P.C. :-

- 1] Neither the parties nor their advocates are present.
- 2] The challenge in this appeal is to the order dated 22 October 2012, by which, learned Trial Judge has allowed Notice of Motion No. 2323 of 2012 in S.C. Suit No. 2218 of 2012 in terms of prayer clause (a). This notice of motion was taken out by the respondent (original plaintiff) seeking temporary injunction against the appellant from constructing any wall in suit open space and thereby obstructing the plaintiff's ingress and egress to his room.
- 2] On 6 February 2014, this court, made the following order:

*“ Heard.
Admit.
The admission of the appeal would not mean that the proceedings before the City Civil Court are stayed and the City Civil Court should, therefore, make an endeavor to decide the suit filed by the respondent-plaintiff as expeditiously as possible.
The parties are directed to maintain status-quo during the pendency of the appeal.
Learned Counsel Shri. K.C. Tiwari waives notice of hearing on behalf of the respondent.”*

3] The order of *status-quo* is in operation since 6 February 2014. The order of *status-quo* protects the interests of both the appellant as well as the respondent. In terms of the said order, obviously, the appellant cannot put up any construction of wall in the suit open space, nor can the respondent insist upon appropriating the suit open space to himself. Such *status-quo* can always operate until the pendency of the suit. Accordingly, the interim order is modified and it is directed that the parties to maintain *status-quo* as directed by this court in its order dated 6 February 2014 and as clarified in this order.

4] The appeal is disposed of in the aforesaid terms. There shall, however, be no order as to costs.

5] It is clarified that the trial court shall proceed to dispose of the suit on its own merits and in accordance with law without in any manner being influenced by any observations in the impugned order or for that matter the present order.

(M. S. SONAK, J.)

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