

Shephali

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION
APPEAL FROM ORDER NO. 370 OF 2017
WITH
CIVIL APPLICATION NO. 475 OF 2017

Rajesh Ratilal Shah & Ors	...Appellants
<i>Versus</i>	
Dhirajlal Bhavanji Shah	...Respondent

Mr S Murthy, i/b Anand Nikhal, for the Appellant.
Ms Rekha Shinde, i/b Legal Chartered, for the Respondent.

CORAM: G.S. PATEL, J
DATED: 17th July 2017

PC:-

1. By consent, the impugned order dated 4th October 2014 is modified in the following terms: pending the final hearing of the suit, and, should it be decided against the Plaintiff, for a period of four weeks thereafter, Defendants Nos. 1 and 2 are restrained from interfering with or disturbing Plaintiff's possession of Flat No. 2B on the second floor of Jivan Kunj building.

2. This is the only modification required.

3. The Suit itself is of 2010. The Trial Court is requested to dispose it of at the earliest. The Suit will be decided on its own merits uninfluenced by the observations in the ad-interim order.
4. Liberty to the Respondent to take such action as is permissible in law in respect of Flat No. 2B. All contentions are left open.
5. The Appeal is disposed of in these terms. There will be no order as to costs.
6. The Civil Application does not survive and is disposed of as infructuous.

(G. S. PATEL, J)