

IN THE HIGH COURT OF JUDICATURE AT BOMBAY

ORDINARY ORIGINAL CIVIL JURISDICTION

APPEAL NO.843 OF 2006

IN

NOTICE OF MOTION NO.1638 OF 2005

IN

SUIT NO.1526 OF 2005

M/S.EARTH BUILDERS AND ANR.)...APPELLANTS

V/s.

M/S.DANI SADAN CO-OP HSG. SOCIETY LTD.)...RESPONDENT

None for the Appellants.

Mr.Tushad Cooper a/w. Ms.Mahalakshmi G. & Ms.Aditi Bajaj i/b.
ALMT Legal, Advocates for Respondent No.1.

Ms.Radha Ved i/b. Sanjay Udeshi & Co., Advocate for Respondent
Nos.3 and 4.

**CORAM : V. M. KANADE &
A. M. BADAR, JJ.**

DATE : 5th JUNE 2017

P.C. :

1 None appeared on behalf of appellants. Heard Shri
Tushad Cooper, the learned counsel, on behalf of the respondent /
original plaintiff. The dispute in the suit is in respect of a small

strip of land. According to the respondent / original plaintiff, the disputed portion belongs to the society whereas according to the appellant / original defendant, it belongs to him. Ad-interim order passed by the learned Single Judge was confirmed in appeal. However, the receiver was asked not to take possession. The said order is continued almost for a period of eleven (11) years.

2 In our view, instead of deciding the appeal, it would be appropriate if a direction is given to the learned Single Judge to decide the suit as expeditiously as possible.

3 The hearing of the suit itself is expedited. The interim order passed by the Division Bench dated 29th November 2006 shall continue during pendency of the suit.

4 Appeal is accordingly disposed of.

All contentions of all parties are kept open.

(A. M. BADAR, J.)

(V. M. KANADE, J.)