IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION

APPEAL FROM ORDER (ST.) NO. 1058 OF 2017
WITH
CIVIL APPLICATION (ST.) NO. 1060 OF 2017
IN
APPEAL FROM ORDER (ST.) NO. 1058 OF 2017

M/s. Tista Impex Pvt. Ltd. .....Appellant

v/s.

Ruel Julious Mendosa & Ors. ……Respondents

Mr. Ajay S. Patil for the appellant.
Mr. G.S. Godbole i/b. C.K. Bhangoji for R.No.1.
Mr. Tanaji V. Jadhav for R.No.2.
Mr. S.P. Thorat for R.No.3.

CORAM : SMT. ANUJA PRABHUDESSAI, J.
DATED : 13th MARCH, 2018.

P.C. :-

. Heard the learned counsels for the respective parties.

2. The appellant who was the defendant in L.C. Suit No.3034 of 2016 has challenged the order dated 01st December, 2016 whereby the learned Judge, City Civil Court, Borivali Division, Dindoshi had granted ad-interim reliefs in terms of prayer clauses (a), (b) and (c)

which are as follows :-

> *" (a) The Defendant No.1 is hereby temporarily restrained from constructing or erecting partition wall touching to the suit premises without maintaining distance of three (3) feet from the house of the Plaintiff.*
>
> *(b) The Defendant No.1 is hereby directed to remove the G.I sheet erected touching to the Plaintiff's house/ suit premises on North and Western side, obstructing the access and natural air and light to the Plaintiff on or before next date.*
>
> *(c) The Defendant No.1 is hereby temporarily restrained from obstructing the natural air, light and access of the Plaintiff by raising and/or fixing any wall touching to the house of the Plaintiff i.e. suit property i.e. on Eastern and southern side. "*

3. By order dated 22nd February, 2017, this court had directed that that direction contained in clause (b) of the operative part of the impugned order dated 01st December, 2016 need not be complied with till the next date of hearing. It is stated that the interim relief was extended till 01st August, 2017 and that thereafter, there was no extension of the said interim relief.

4. Learned counsels for the respective parties submit that since the pleadings in the notice of motion are complete, the appeal can be

disposed of by directing the trial court to dispose of the notice of motion on or before 27th April, 2018. Mr. G.S. Godbole, learned counsel, under instructions from his client-respondent no.1, submits that without prejudice to his rights, the respondent no.1 shall not take steps to comply with or execute directions given in clause (b) of the operative part of the impugned order. Statement is accepted.

5. In the light of the statements made by the learned counsels for the respective parties, the reliefs granted in terms of prayer clauses (a) and (c) will continue to operate till the disposal of the notice of motion. Parties are directed to appear before the trial court on 21st March, 2018 at 11:00 a.m. Trial court to make an endeavour to dispose of the notice of motion as expeditiously as possible and in any event on or before 27th April, 2018. Appeal from Order stands disposed of, accordingly.

6. Civil Application stands disposed of in view of disposal of the appeal.

(SMT. ANUJA PRABHUDESSAI, J.)