

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION

WRIT PETITION NO.6588/2016

M/s. Rehab Housing Pvt. Ltd. ... Petitioner

V/s.

Smt. Aliya Imtiyaz Dhavlarkar & Anr. ... Respondents

WITH
WRIT PETITION NO.6586/2016

M/s. Rehab Housing Pvt. Ltd. ... Petitioner

V/s.

Imtiyaz Hidayat Davlarkar & Anr. ... Respondents

Mr. Shaikh Khan for the Petitioner
Mr. Suhas S. Deokar for Respondent No.1.
Mr. C. G. Gavnekar for Respondent No.2.

CORAM: K.K. TATED, J.

DATED : NOVEMBER 30, 2018

P.C. :

1 Heard. Both the counsel submit that the trial in Special Civil Suit No.117/2011, 118/2011 and 119/2011 before the Civil Judge, Senior Division, at Mahad, Alibaug is started. Both the counsel submit that both the Writ Petitions can be disposed of with direction to the Trial Court to decide those suits as early as possible. They submit that both the parties shall maintain status quo as of today, till hearing and final disposal of the suits.

2 At this stage, the learned counsel for Respondent No.2 submits that they also filed three suits before the Civil Judge, Junior Division, Mangaon for injunction in respect of the same property. He submits that Respondent No.2 may be permitted to make an appropriate Application before the District Judge, Alibaug for transfer of those suits to be heard along with Special Civil Suit Nos. 117/2011, 118/2011 and 119/2011. Hence, following order is passed:

- a. Both the Writ Petitions stand disposed of with directions to the Civil Judge, Senior Division, at Mahad, Alibaug to decide Special Civil Suit Nos.117/2011, 118/2011 and 119/2011 as early as possible.
- b. Liberty granted to Respondent No.2 to make appropriate Application for transfer of the suits filed by him in the court of Civil Judge, Junior Division, Mangaon to the court of Civil Judge, Senior Division, Mahad, Dist. Alibaug.
- c. The Writ Petitions stand disposed of accordingly.
- d. Parties to act on an authenticated copy of this order.

(K. K. TATED, J.)