

Vidya Amin

IN THE HIGH COURT OF JUDICATURE AT BOMBAY  
CIVIL APPELLATE JURISDICTION

**APPEAL FROM ORDER No. 941 OF 2015**  
**WITH**  
**CIVIL APPLICATION NO. 1145 OF 2015 IN A.O. NO. 941 OF 2015**

Smt. Sheela Sunil Jadhav & Anr. ... Appellants/Applicants  
Vs.  
Smt. Vimal Bhagwan Jadhav ... Respondent

Mr. Rajesh Parab, Advocate for the appellants/applicants.  
Mr. Yuvraj R. Tribhuvan h/f. Mr Ajit S. Karwande, Advocate for  
respondent no. 1.

**CORAM: MRS.MRIDULA BHATKAR, J.**  
**DATE: 9<sup>th</sup> February, 2018.**

**P.C.:**

Admit. By consent, the Appeal is heard finally and decided at  
the stage of admission.

2. This Appeal from Order is directed against the order dated 10<sup>th</sup>  
April, 2015 passed by the learned Judge of the City Civil Court,  
Dindoshi, Goregan in Notice of Motion No. 486 of 2015 in S.C. Suit  
No. 316 of 2015 whereby allowing the Notice of Motion in terms of  
prayer clause (a) and (b) is challenged. The respondent is the  
mother-in-law of appellant no. 1/original defendant no. 1. Appellant  
no. 2 is the minor son of appellant no. 1 and grandson of the  
respondent/plaintiff. The plaintiff has filed the suit for partition and

declaration in respect of three properties, i.e., Flat at Andheri which is occupied by the respondent, Flat at Ghansoli occupied by the appellants and Flat at Mira Road is another third property. The respondent/plaintiff has sought an order of injunction against the appellants that they should not sell, transfer, alienate or deal with the properties in any manner and they shall not disturb the possession of the respondent/plaintiff and her family members from Flat No. 302, Sagar Cooperative Housing Society Ltd., Off. Sahar Road, Andheri (East). The trial Court has granted this relief. Hence this Appeal.

3. The learned counsel for the appellants has submitted that the status quo is to be granted in respect of the properties. He submitted that the suit is filed for partition by the respondent/plaintiff and, therefore, the order of status quo is also to be passed against the respondent.

4. The learned counsel for the respondent is present and submits to the order of the Court.

5. On perusal of the order, I do not find any requirement to interfere with the order. Considering the nature of the suit, relief

claimed therein and the order passed in the Notice of Motion, this Appeal is disposed of by the following order:

- (i) The order of the trial Court dated 10<sup>th</sup> April, 2015 is hereby maintained;
- (ii) The appellants and the respondent shall not create any third party right, part with the possession and transfer the flat at Andheri, Ghansoli and Mira Road in any manner;
- (iii) The trial Court to proceed with the matter.

6. Civil Application is also accordingly disposed of.

**(MRIDULA BHATKAR, J.)**