

APPEAL FROM ORDER (ST.) NO. 21912 OF 2018
WITH
CONTEMPT PETITION NO. 447 OF 2018

Shayam Behari Verma & Ors.	...	Appellants
V/s.		
Maharaja Retreat CHS Limited & Ors.	...	Respondents

WITH
CIVIL APPLICATION (ST.) NO. 28169 OF 2018
IN
APPEAL FROM ORDER (ST.) NO. 21912 OF 2018

Maharaja Retreat CHS Limited & Ors.	...	Applicants
<u>In the matter between</u>		
Shayam Behari Verma & Ors.	...	Appellant
V/s.		
Maharaja Retreat CHS Limited & Ors.	...	Respondents

- Mr.Mohammed Zain Khan for the Appellants.
- Mr.Ashok M. Saraogi for Respondent No.1.
- Mr.Akshay A. Deshmukh for Respondent Nos.2 to 4.

CORAM : DR.SHALINI PHANSALKAR-JOSHI, J.

DATE : 15th OCTOBER, 2018.

P.C. :

1] Heard learned counsel for the parties.

2] This Appeal is directed against the order dated 3rd July, 2018, passed by the City Civil Court, Mumbai, thereby refusing the ad-

interim relief in Draft Notice of Motion filed in S.C. Suit No.1921 of 2018.

3] The said Draft Notice of Motion was taken out by the present Appellants for interim injunction restraining the Respondent from disturbing his possession in the suit flat.

4] According to learned counsel for the Appellants, the trial Court has however refused the ad-interim relief, only on the ground that Dewan Housing Finance Corporation Limited (DHFL) is not made a party to the suit. It is submitted that, now the application is filed before the trial Court for making DHFL as necessary party to the suit.

5] In view thereof, it would be proper if the trial Court decides the Notice of Motion itself, after the application for joining DHFL as a party to the suit is decided, instead of this Court entering into the merits of the said order, when the application for impleadment of DHFL is pending before the trial Court. Ordered accordingly.

6] As regards the submission that the Appellants are in possession of the suit flat and their possession need not be disturbed, learned counsel for the Respondents controverted the said contention.

7] In view thereof, it would not be proper, at this stage, to grant any such relief, but whatever relief granted by this Court on 3rd August, 2018 that, no coercive action be taken against the Appellant in regard to the contentious suit property, shall continue to operate till the trial Court decides the Notice of Motion.

8] Therefore, the Appeal along with Civil Application therein, stands disposed of, with the above said directions.

9] In view of the above, the Contempt Petition also stands disposed of.

[DR.SHALINI PHANSALKAR-JOSHI, J.]