

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION

APPEAL FROM ORDER ST. NO.24862 OF 2018
WITH
CIVIL APPLICATION ST. NO.24864 OF 2018

Designated Officer,
Assistant Engineer (B & F) and anr.
-vs-
Saif and Co. Thr. Its Partner
Mumtaz Lakdawala and ors.

... Appellants

... Respondents.

Shri D. K. Vyas, Advocate along with Smt Madhuri More, Advocate for appellants/MMC.
Smt Darshana Solanki, Advocate h/f Shri Santosh Pathak, Advocate for respondent
Nos.1 to 7.

CORAM : A. S CHANDURKAR, J.
DATE : December 03, 2018

P.C.

1. Heard the learned counsel for the appellants.
2. By the impugned order dated 18/07/2018, the trial Court has directed the parties to maintain status quo in respect of the suit premises till reply is filed to the notice of motion by the present appellants. The learned counsel for appellants submits that though reply has been filed to the notice of motion, said appellants desire to file an additional reply to the said notice of motion. Similarly, the owners of the suit property have filed a separate notice of motion for their impleadment.

3. The learned counsel appearing on behalf of the respondent Nos.1 to 7 seeks time on the ground that the arguing counsel is not available.

4. Considering the nature of the ad interim order dated 18/07/2018, the interests of justice would be served by directing the said notice of motion to be decided expeditiously. Accordingly the appeal is disposed of by issuing following directions :

- (i) The defendants are at liberty to file additional reply to the subject notice of motion before the trial Court.
- (ii) The trial Court shall decide the said notice of motion expeditiously and by the end of March 2019. The same be decided on its own merits without being influenced by grant of the order of status quo or its continuation during pendency of the proceedings.
- (iii) Needless to state that the order dated 18/07/2018 shall continue to operate till the notice of motion is decided without prejudice to the rights and contentions of the parties.
- (iv) The Appeal From order and Civil Application are disposed of.

(A.S.CHANDURKAR, J.)