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***IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION***

WRIT PETITION NO.4352 OF 2016

Abdul Majeed Ismail Dalvi

...Petitioner

Versus

Salma Naeem Nizami and Anr.

...Respondents

Mr. M. Saeed Kadu, for the Petitioner.

Mr. R.B. Parab, for the Respondent No.1.

CORAM : REVATI MOHITE DERE, J.

DATE : 10th DECEMBER, 2019

P.C. :

1. Heard learned counsel for the Petitioner.
2. By this Petition, the Petitioner has impugned clause – (4) of para 19 of the Judgment and Order dated 23rd November, 2015, passed by the learned Chief District Judge, Raigad – Alibag, in Miscellaneous Civil Appeal No.91 of 2014, by which the Respondent No.1 was directed to pay the petitioner Rs.500/- per month.
3. Perused the papers. The petitioner (original plaintiff) has filed Civil Suit bearing R.C.S. No.181 of 2013 in the Court of the learned Civil

Judge Junior Division, Panvel. The said Suit is for removal of encroachment and possession of the suit property as well as for compensation and permanent injunction. It appears that the trial Court had allowed Exhibit – 5 application preferred by the petitioner, which was challenged by the Respondent No.1 before the Appellate Court. The Appellate Court vide Judgment and Order dated 23rd November, 2015, directed the Respondent No.1 to pay Rs.500/- to the petitioner towards compensation for use of the property. The suit is of the year 2013 and the trial has commenced and the plaintiff is in the witness-box.

4. Without going into the merits of clause – (4) of para 19 of the Judgment and Order dated 23rd November, 2015, it would be in the interest of justice to direct the learned Civil Judge Junior Division, Panvel, to dispose of Civil Suit bearing R.C.S. No.181 of 2013, as expeditiously as possible and in any event within 12 months from the date of receipt of this order.

5. The interim arrangements to continue, till the final disposal of the Civil Suit.

6. It is made clear, that this Court has not considered the petition on merits and as such all contentions of all parties are kept open.
7. Petition is accordingly disposed of on the aforesaid terms.
8. All concerned to act on the authenticated copy of this order.

REVATI MOHITE DERE, J.