

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

**CIVIL APPLICATION NO.1162/2017
in
FIRST APPEAL NO.1456/2011**

Office Notes, Office Memoranda of Coram, Appearances, court's orders or directions and Registrar's orders	Court's or Judge's orders
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Advocate Yatin Malvankar for applicant.

**CORAM : K. K. TATED, J
DATE : JULY 24, 2019.**

P.C.:

Heard learned counsel for Applicant.

2 Learned counsel for applicant submits that he received instructions from his client not to press at present, prayer clauses (b), (c), and (d) which reads thus;

“b) Court Receiver be appointed to take charge of the suit property till First appeal is disposed of.

c) Respondent nos.2 to 7, their agents and servants be prevented from

instigating the occupiers/tenants

- i) to damage the suit property to that extent, to make it a fit case for declaration as slum;
- ii)to carry out unauthorized constructions.
- iii) to obstruct the entry of the applicant into the suit property and
- iv)to threaten the applicant with the help of anti social elements.

d) Declare that Mr. Burjor Ardeshir Mistry has no legal heirs pursuant to the affidavit cum Indemnity Bond dated 11th December 2010 and the order passed by this Hon'ble Court in Civil Application no.47 of 2016 in Contempt Petition No.361 of 2005."

3. Statement is accepted.

4 By this civil application, the applicant is seeking early hearing of First Appeal No.1456/2011 on the ground that applicant is senior citizen.

5 Considering submissions made by the learned counsel for applicant and the averments made in civil application, I am

satisfied that applicant has made out a case for allowing this civil application in terms of prayer clause (a) which reads thus;

“A)Hearing of First Appeal 1456/2011 is expedited in the category of senior citizens.”

B)Registry is directed to place First Appeal No.1456/2011 for final hearing in weekly board as per its turn in the list of senior citizens.

C)Civil application is allowed accordingly.

(K.K.TATED, J.)