

IN THE HIGH COURT OF JUDICATURE AT BOMBAY

CIVIL APPELLATE JURISDICTION

**APPEAL FROM ORDER (STAMP) NO.25002 OF 2019
WITH
CIVIL APPLICATION (STAMP) NO.25003 OF 2019
IN
APPEAL FROM ORDER (STAMP) NO.25002 OF 2019**

Mrs. Pooja Jayprakash Pandey

....Appellant

Vs.

Kirti Mehta & Ors.

....Respondents

.....

Ms. Anita R. Dwivedi, for the Appellant.

Mr. Prathamesh Kamat a/w. Mr. Pratik Jani and Mr. Hardik Shah i/b.
Prime Legim, for Respondent Nos.2 and 5.

.....

CORAM : S.C.GUPTE, J.

DATE : 23 SEPTEMBER, 2019

P.C. :

1. Heard the learned counsel for the parties.
2. This appeal from order challenges an order passed by the City Civil Court at Dindoshi. By the impugned order, ad-interim relief was refused to the appellant (original plaintiff) on her notice of motion.
3. After the matter is heard at some length, it is agreed by learned counsel for the parties that the notice of motion itself may be expeditiously disposed of by the Trial Court and in the meantime the

suit premises shall not be demolished.

4. Learned counsel for Respondent Nos.2 and 5 accordingly states that his client shall not demolish the suit premises prescribed in the suit pending the hearing and final disposal of the notice of motion. This ad-interim statement shall also apply for Respondent Nos.1, 3 and 4.

5. The Trial Court shall dispose of the Notice of Motion as expeditiously as possible, without in any way being influenced by the fact that ad-interim relief has been granted by this Court in this appeal from order. The appeal from order is disposed of accordingly.

6. It is clarified that the order of ad-interim protection provided for herein shall not come in the way of any statutory authority, that is to say, Mhada or MCGM, in case the structure or any part of it occupied by the plaintiff is considered to be illegal by these authorities.

7. In view of the disposal of the appeal from order as above, the civil application does not survive and the same is disposed of.

(S.C. GUPTE, J.)