

IN THE HIGH COURT OF JUDICATURE AT BOMBAY

CIVIL APPELLATE JURISDICTION

APPEAL FROM ORDER NO. 1085 OF 2019

WITH

INTERIM APPLICATION NO. 1 OF 2019

IN

APPEAL FROM ORDER NO. 1085 OF 2019

Mr. Nitin Satish Mittal

.....Appellant.

Vs.

M/s. Empire Excellence Developers & Ors.

.....Respondents.

Mr. Abhinav Chandrachood a/w Hemal Ganatra for the Appellant.

Mr. P.K. Dhakephalkar, Senior Advocate i/by Gaurao Wankhade for the Respondent No.1.

CORAM : A. S. GADKARI, J.

DATE : 19th DECEMBER, 2019.

P.C.:-

By the present Appeal, the Appellant-Original Plaintiff has impugned Order dated 9th October, 2019 passed below Exhibit 91 in Special Civil Suit No. 1348 of 2018 by the 19th Joint Civil Judge, Senior Division, Pune.

2 Learned counsel appearing for the Appellant submitted that, Exhibit-5 Application filed by the Appellant, is scheduled for hearing on 2nd January, 2020 by the Trial Court. He further submitted that, as the Trial Court was not proceeding to hear Exhibit-5 Application, his client moved the Application below Exhibit 91.

3 In view thereof, the learned Joint Civil Judge, Senior Division, Pune seized of Special Civil Suit No. 1348 of 2018 is hereby requested to expedite the hearing of Exhibit-5 Application filed by the Appellant and to make an endeavour to conclude the hearing of the same within a period of one month from 2nd January, 2020.

4 Mr. Dhakephalkar, learned Senior Counsel appearing for the contesting Respondent No.1 submitted that, till the disposal of the said Exhibit-5 Application, the Respondent No. 1 will not further create any third party right, title or interest in the Suit property and will maintain status-quo as of today. The said statement is accepted.

5 It is needless to mention that, the statement made by the learned Senior Counsel is without prejudice to the rights and contentions of Respondent No.1 to be raised at the time of hearing of Exhibit-5 Application.

The contentions of all the parties are expressly kept open.

6 Appeal from Order is accordingly disposed off in the aforesaid terms.

In view of disposal of Appeal itself, Interim Application No. 1 of 2019 does not survive and is also disposed off.

All the concerned to act on the basis of an authenticated copy of this Order.

(A.S. GADKARI, J.)