

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

**CIVIL APPLICATION NO. 1136 OF 2016
IN
SECOND APPEAL NO.669 OF 2016**

Shri. Ashok Shivram Mali & Ors. Applicants

Vs.

M/s Ideal English Society/School Respondents
& Ors.

**WITH
CIVIL APPLICATION NO. 1138 OF 2016
IN
SECOND APPEAL NO.668 OF 2016**

Shri. Ashok Shivram Mali & Ors. Applicants

Vs.

Shri. Shivaji Bhagwan Shinde & Ors. Respondents
& Ors.

Mr. Dilip B. Shinde for applicants in both Applications.

Mr. Sampat Mali – applicant no.7 present in person (Power of attorney holder of all.)

Mr. Drupad Patil for Respondent nos. 1 to 3.

Mr. Leena Patil for Respondent no.5.

Coram : NITIN W. SAMBRE, J.

Date : 20th January, 2020

P.C.:

1. Applicant no.7, Sampat Shivram Mali, Power of Attorney holder for all the applicants is present in the Court. Learned counsel for the applicants/appellants, Mr. Dilip Shinde requests for discharge, as the party has instructed him not to appear and has collected no objection from him. The matter was adjourned at last occasion by way of last chance. Today also adjournment is sought.

2. I am informed that the suit claim of the appellant was based on a plea that protected tenant under the provisions of Bombay Tenancy and Agricultural Lands Act. The order passed against the petitioner is subjudiced in Civil Writ Petition No. 12921 of 2019, which is pending adjudication.

3. A joint request is made so as to enable the parties to take steps for clubbing both these matters i.e. Writ Petition and the Second Appeals, which are already admitted.

4. Shri. Drupad Patil, learned counsel for respondent nos.1 to 3 submits that the steps will be taken within a period of two weeks from today for clubbing of the matters. The statement is accepted.

5. I am informed that in Writ Petition No.12921 of 2019, the Writ Court has already granted interim protection of status-quo in respect of possession vide order dated 16th December, 2019. As such the present application stands disposed of in terms of that order with liberty to the parties to the appeal to move afresh in case if any occasion arises after disposal of the writ petition.

(NITIN W. SAMBRE, J.)