

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

CIVIL WRIT PETITION NO.6899 OF 2019

Shakuntala S. Sawant

..Petitioner

Vs.

Vinod Lavu Gosavi & Ors.

..Respondents

Mr. Amit R. Saple, for the Petitioner

CORAM : C.V. BHADANG, J.

DATE : 16th DECEMBER 2020

P.C.

. Heard the learned counsel for the petitioner for some time.

2. The petitioner is aggrieved by an order dated 7/2/2018 passed by the learned Ad-Hoc City Civil and Sessions Court at Dindoshi, by which ad-interim relief of status-quo is granted in Notice of Motion No.549/2018 in Small Cause Suit No.3823/2017.

3. The learned counsel for the petitioner points out that it was the petitioner who was named in the Annexure II in the Slum Rehabilitation Scheme (SRA Scheme). However, the contesting respondent who is the brother of the petitioner, occupied the suit

flat. It is pointed out that the Civil Court has no jurisdiction to entertain the suit particularly, in view of the fact that the Deputy Collector has passed an order on 31/8/2017 directing the contesting respondent to vacate the suit flat and has declared him to be a trespasser. The learned counsel points out that the order of status-quo is operating from 7/2/2018, now close to two years. He therefore, has made an alternate prayer for expediting the hearing of the Notice of Motion.

3. It is necessary to note that ad-interim orders are normally expected to be operating for a short period. In any case, the record shows that the ad-interim relief is operating since 7/2/2018 and it is pointed out that the Notice of Motion No.549/2018 has still not been heard and decided. In that view of the matter, I find that the hearing of the Notice of Motion deserves to be expedited, as prayed. In as much as no adverse order is being passed, it is not necessary to issue any notice to the respondents.

4. In that view of the matter, the petition is disposed of. The learned City Civil Court shall decide the Notice of Motion No.549/2018 as expeditiously as possible and in any event, within a period of six weeks from the receipt hereof.

5. It is made clear that this Court has not examined the merits of the matter and rival contentions of the parties are left open.

C.V. BHADANG, J.