

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

APPEAL FROM ORDER NO. 242 OF 2019

WITH

INTERIM APPLICATION NO. 1 OF 2019

IN

APPEAL FROM ORDER NO. 242 OF 2019

Miss Tabassum Umer Khatib @
Mrs. Tabassum Rizwani W/o.
Shehzad Nasir Khan Rizwani

.....Appellant.

Vs.

Khatib Mohammed Umar Ali Miya & Anr.

.....Respondents.

Ms. Vinali Bhaidkar i/b. Himanshu Kode for the appellant.
Ms. Pooja Pandey i/b. Ashok Pandey for the respondents.

CORAM : A. S. GADKARI, J.

DATE : 12th FEBRUARY, 2020.

P.C.:-

1] By the present Appeal, the Appellant-Original Defendant has impugned Order dated 17th September, 2018 passed in Notice of Motion No. 3475 of 2018 in Short Cause Suit No. 2433 of 2018, by the learned Judge, City Civil Court, Mumbai, thereby directing the parties to the said Suit to maintain status-quo of title of the Suit flat as on the date of passing of the said Order.

2] During the course of the arguments, Ms. Bhaidkar learned counsel for the Appellant submitted that, the said Notice of Motion No. 3475 of 2018 is ready for final hearing and is now scheduled for hearing on

26th February, 2020.

There is a consensus between learned counsel for the respective parties that, it is necessary to hear the said Motion as early as possible.

Ms. Pande, learned counsel for the Respondent No.1 submitted that, she is ready and willing to workout the said Notice of Motion on any date, so fixed by the Trial Court.

3] In view thereof, the learned Judge, City Civil Court, Mumbai, seized of Notice of Motion No. 3475 of 2018 is hereby requested to expedite the hearing of the said Notice of Motion and to conclude the hearing of the same, within a period of four weeks from the date of receipt of this Order.

4] Till the disposal of the said Notice of Motion No. 3475 of 2018, ad-interim relief granted on 17th September, 2018 by the said Court, shall continue.

Appeal is partly allowed in the aforesaid terms.

5] 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.)