

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

**APPEAL FROM ORDER NO. 119 OF 2021
ALONGWITH
INTERIM APPLICATION NO. 1188 OF 2021
(FOR INJUNCTION)**

**IN
A.O. NO. 119 OF 2021**

Dastagir Khan S/o. Jahangir Khan ... Appellant.
(Org. Plaintiff)

V/s.

The State of Maharashtra & Ors. ... Respondents.

Mr. Kishor Patil, Advocate i/by Mr. Pratik B. Rahade, Advocate for the Appellant.

Mr. Rahul Sanklecha, Advocate i/by Mr. A.P. Kulkarni for Respondent No.4.

Mr. Arun Panicker, Advocate for Respondent No. 6.

Mr. Sahil Saiyed, Advocate for Respondent No. 7.

**CORAM : MADHAV J. JAMDAR, J.
(VACATION COURT)**

DATE : MAY 21, 2021

(THROUGH VIDEO CONFERENCING)

PC :

1 Mr. Kishor Patil, the learned Advocate appearing for the Appellant points out that this court by order dated 10th September, 2015 passed in Civil Application No. 478 of 2015 in Appeal From

Order No. 369 of 2015 granted status-quo order and continued the same till disposal of the Notice of Motion No. 2283 of 2013. Learned counsels appearing for the Respondents, however, state that the said Notice of Motion No. 2283 of 2013 is already disposed of by order dated 30th March, 2016 and the Appellant has filed A.O. (st.) No. 12568 of 2016, which is pending.

2 Mr. Panicker, the learned counsel appearing for the Respondent No. 6 points out the order dated 15th May, 2019 passed in Notice of Motion No. 4869 of 2018 in Suit No. 2390 of 2013. He states that the status-quo order as passed on 15th May, 2019 is continued by the learned Trial Court from time to time. The said order of the learned trial Court reads as follows :

“Heard the Advocate for the Plaintiff.
Plaintiff’s Advocate submitted that Plaintiff’s N.M. 4869/18 is pending for hearing. However the defendant nos. 4, 6 and 7 have brought J.C.B. to demolish suit structure, so order of status-quo be issued unless by taking advantage of vacation, suit structure will be demolished and N.M. will be became infructuous. Considering N.M. is pending for hearing, if the defendant nos. 4, 6 and 7 demolished suit structure, it will cause hardship to plaintiff, so direct the defendant nos. 4, 6 and 7 to maintain status-quo as on today till 02/07/2019.”

3 Mr. Patil, learned Advocate for the Appellant submits that although the said order dated 15.05.2019 of status-quo is

continued from time to time, by order dated 25th February, 2021 it was observed by the learned Trial Court that the ad-interim injunction was not extended on 18th November, 2019 and therefore, the said ad-interim injunction stood vacated as on 18th November, 2019 and, therefore, the learned Trial Court refused to extend the ad-interim injunction.

4 All the learned counsels appearing on behalf of the Respondents fairly submitted that the said observations of the learned Trial Court are not correct and the status-quo order as granted on 15th May, 2019 is continued from time to time. Learned Advocate for the Respondents further submitted that they have no objection to allow this Appeal from Order; however, their only request is that the said Notice of Motion No. 4869 of 2018 which is pending for last about three years, be directed to be disposed of within a particular time limit. All the learned counsels appearing for the respective parties state that the next date for hearing the said Notice of Motion is 16th June, 2021.

5 In view of above submissions following order is passed :

ORDER

(a) The learned Judge, Bombay City Civil Court, Bombay is requested to dispose of the Notice of Motion No. 4869 of 2018 in Suit No. 2390 of 2013 within a period of six months from today.

(b) All the learned counsels appearing for the parties assure this court that complete co-operation will be extended to the learned Trial Court to dispose of the said Notice of Motion No. 4869 of 2018 as early as possible.

(c) The order of status-quo dated 15th May, 2019 passed by the learned Judge, Bombay City Civil Court, Bombay, is continued till the disposal of the Notice of Motion No. 4869 of 2018.

6 Appeal From Order is disposed off in the above terms.

7 As the Appeal From Order is disposed of, nothing survives in the Interim Application No. 1188 of 2021 and the same is also disposed of.

(MADHAV J. JAMDAR, J.)