

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION

Appeal from Order No. 86 / 2022
Alongwith
Interim Application No. 410 / 2022
in
Appeal from Order No. 86 / 2022

Mr. Anwar Ali son of late Mr. Shafi
Ahmed Sayyed and Others.

... Appellants

Versus

State of Maharashtra, Thr. District Collector

... Respondent

Mr. Vishwajit Sawant Senior Advocate with Mr. Prabhakar Manohar
Jadhav, Advocate for the Appellants.

Ms. Tanaya Goswami, AGP for State.

CORAM : SANDEEP K. SHINDE, J.

DATE : 1st FEBRUARY, 2022.

[Through Video Conference]

P.C.

Heard. Mr. V.R. Sawant, learned Senior Counsel for the
Appellants and learned Assistant Government Pleader for the State.

1. This appeal under Order-43 Rule-1 (r) read with Section 104 of

the Civil Procedure Code, challenges the order dated 29th January, 2022 by which learned Judge, City Civil Court declined to stay the execution of impugned notice issued under Section 50(3) of the Maharashtra Land Revenue Code, 1966 for want of the notice under Section 80(1) of the CPC.

2. Mr. Sawant, learned Senior Counsel for the Appellants, on instructions submits that the Draft Notice of Motion in Suit Stamp No. 1023/2022 is listed today at 02:30 pm. before the learned Judge for consideration.

3. Ms. Goswami, learned AGP on instructions submits that Mr. Rajput, Deputy Collector shall respond to N.M. at 02:30 pm. through Government Pleader.

4. Ms. Goswami on instructions submitted that the impugned notice has not been further acted upon. Statement is accepted.

5. In consideration of the facts of the case and particularly since

application for the interim relief is scheduled for hearing today at 02:30 pm., parties are directed to maintain status-quo qua suit property prevailing as on today, till the disposal of the Draft Notice of Motion of S.C. Suit Stamp No. 1023/2022.

6. Ms. Goswami will communicate this order to Mr. Rajput, Deputy Collector, who has issued the impugned notice under MLR Code.

7. In that view of the matter and for the reasons stated above, the appeal from order and all applications therein are disposed of in the aforesaid terms.

8. The learned Judge shall decide the Motion on its own merits and without being influenced by this order.

(SANDEEP K. SHINDE, J.)

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