

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

WRIT PETITION NO.3734 OF 2022

Goawala Co-operative Housing Society Limited ..Petitioner
Versus
Mrs. Shobha Ashok Raheja and Ors. ..Respondents
Mr. Manoj P. Mhatre, for the Petitioner.

CORAM : NITIN W. SAMBRE, J.

DATE : 4th MAY, 2022

PC.

1. A co-operative housing society has approached this Court raising challenge to the order dated 25th February, 2022 passed by Ad-hoc Judge, City Civil Court, Dindoshi, Mumbai whereby prayer of the petitioner for grant of ad-interim relief in the matter of illegal construction carried out by the respondents was not granted.

2. The fact remains that the prayer for grant of regular interim relief is pending adjudication which is scheduled for hearing on 8th July, 2022. My attention is invited to the fact that respondents/defendants have not completed pleadings in spite of opportunity being granted by the Trial Court.

3. After having heard the matter for some time, counsel for

the petitioner on instructions of the Chairman of the petitioner society made a motion for withdrawal of the petition.

4. The petition as such stands disposed of as withdrawn.

5. However, it is directed that the motion for grant of interim relief which is pending adjudication before the Court and scheduled for hearing on 8th July, 2022 be decided on same day or at the most within one week thereafter.

6. Needless to clarify that if the respondents/defendants fail to complete pleadings, the Trial Court shall proceed ahead with the hearing of the said application.

[NITIN W. SAMBRE, J.]