

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION
APPEAL FROM ORDER NO.452 OF 2022
WITH
INTERIM APPLICATION NO. 2903 OF 2022
IN
APPEAL FROM ORDER NO. 452 OF 2022

Gangadhar Digamber Telange .. Appellant
Versus
Gajanam Bajirao Surve and Anr .. Respondents
...

Mr.Pranil Sonawane and Ms/Varsha Gangawane for the appellant.

Mr. Ashutosh Shukla with Mr.Manoj Yadav for the respondents.

CORAM: BHARATI DANGRE, J.

DATED : 2nd MAY 2022

P.C:-

1 Heard the learned counsel for the appellant and learned counsel for the respondents.

2 The parties are at loggerhead about possession of the suit property and the learned City Civil Court, on 23/2/2022, on a draft Notice of Motion recorded by the defendant no.1 had admitted possession of the plaintiff and therefore, directed the defendants not to dispossess the plaintiff till the next date.

On 15/3/2022, the learned Judge further recorded that the defendant no.2 has failed to appear and on admission of defendant no.1, that plaintiff is in possession, ad-interim relief was granted and therefore, the defendant cannot agitate that, the relief is granted without going through the documents. The defendant was granted time to file reply and documents to substantiate the contention and the Notice of Motion was slated for hearing. The defendant no.2 has accordingly filed a reply and Notice of Motion is ready for hearing. It is informed that it is scheduled for hearing on 10/6/2022.

Parties are directed to maintain the position as on today and the learned Judge is directed to dispose off the Notice of Motion on 10/6/2022 or, within a period of one week thereafter.

With the aforesaid direction, Appeal is disposed off.

Both the parties are directed not to precipitate any action against each other based on the order which is in operation.

(SMT. BHARATI DANGRE, J.)