

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

**APPEAL FROM ORDER NO.626 OF 2022
WITH
INTERIM APPLICATION NO.9852 OF 2022
IN
APPEAL FROM ORDER NO.626 OF 2022**

Mrs. Genevieve Robert Pereira and ...Appellant
Anr.

Versus

Roman Duming Kinny and Ors. ...Respondents

...

Mr. Viraj Parekh i/b. Mr. Saurabh Godbole for the Appellant.
Mr. Dhananjayrao Rananaware with Mr. Chetan Rathod for the
Respondents.

CORAM: SMT. ANUJA PRABHUDESSAI, J.

DATED : 5th JULY, 2022.

P. C. :-

1. The Appellant herein has challenged order dated 11th May 2022, passed by the learned Judge, City Civil Court, Greater Mumbai at Dindoshi Borivali Division, Mumbai, whereby the learned Judge has declined to grant ad-interim relief.

2. On 01/07/2022 the learned counsel for the Respondent had made a statement that the Respondents shall not carry out any construction in the suit property till the next date of hearing.

3. Learned counsel for the Respondents, under instructions states that the Respondents shall abide by the said statement and that they shall not carry out any construction in the suit property till the notice of motion is decided on merits. Statement is accepted as an undertaking to the Court.

4. With consent, the impugned order is set aside. Both parties state that they will complete the pleadings within four weeks. Learned Judge, City Civil Court, Greater Mumbai at Dindoshi Borivali Division, Mumbai, to dispose of the Notice of Motion within a period of four weeks from the date the pleadings are completed. It is made clear that this Court has not gone into the merits of the matter. The Notice of Motion shall be decided on its own merits and in accordance with law.

5. The appeal stands disposed of.

6. Pending application (s), if any, stand (s) disposed of in view of disposal of the appeal.

(SMT. ANUJA PRABHUDESSAI, J.)