

(15)-WP-3044-22 (corrected).doc.

Corrected pursuant to speaking to minutes of order dt. 26th July, 2022.

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

WRIT PETITION NO.3044 OF 2022

Rambrij Yadav

..Petitioner

Versus

Kamlesh Rambrij Yadav and Ors.

..Respondents

Mr. Aakash Mishra i/by Law Juris, for the Petitioner.

CORAM : NITIN W. SAMBRE, J.

DATE : 4th MAY, 2022

P.C.

1. Leave to amend.

2. Amendment be carried out forthwith so as to incorporate challenge to the order dated 27th September, 2021, whereby the Notice of Motion of which expeditious hearing is sought came to be adjourned.

3. Heard Mr. Aakash Mishra, counsel appearing for the petitioner/original plaintiff. Suit initiated by the petitioner/plaintiff being Civil Suit No.1270 of 2020 is pending on the file of City Civil Court at Dindoshi, Mumbai. The respondents to the petition are son, daughter-in-law and the grand children. The petitioner's claim in the suit is for declaration and injunction as regards ownership of the suit property.

4. It is claimed by the counsel for the petitioner that a prayer for grant of temporary injunction by way of Notice of Motion being No.2074 of 2022 is pending adjudication for last about more than one and half years. According to him, for unnecessary reasons, hearing of the said Notice of Motion is adjourned, though it is incumbent on the part of the Civil Court to decide an application expeditiously. As such, it is prayed that directions be issued to hear the said Notice of Motion expeditiously.

5. Considered said submissions.

6. Since the order passed is innocuous, issuance of notice to the respondents is dispensed with.

7. Having appreciated the submissions, Notice of Motion No.2074 of 2022 in SC Suit No.1270 of 2020 is for grant of interim relief which is in the nature of temporary injunction. Till the claim for grant of permanent injunction is decided, it is directed that the said Notice of Motion be decided expeditiously and in any case within a period of three months from today.

8. The petition stands allowed in above terms.

[NITIN W. SAMBRE, J.]