

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION
APPEAL FROM ORDER NO. 78 OF 2023
with
INTERIM APPLICATION NO.1099 OF 2023

Santosh Shantaram Lakhan ... Appellant
Versus
The Chief Officer, MHADA & Ors. ... Respondents

Ms. Archana P. Gaikwad, for the Appellant.
Ms. Anagha Deshmukh i/b. Utangale & Co., for Respondent no.1-MHADA
Mr. Saurabh Utangale i/b. Mr. Rohan Sawant, for Respondent No.4.

CORAM: G. S. KULKARNI, J.

DATED: FEBRUARY 09, 2023

PC.

1. Not on board. Upon mentioning taken on board on a praecipe as moved on behalf of the appellant.
2. Heard learned Counsel for the appellant/plaintiff, learned Counsel for respondent No.1 and learned Counsel for respondent No.4. It is informed that Respondent Nos.2 and 3 are not the contesting respondents.
3. This appeal is filed against an ad-interim order dated 31 January 2023 passed by the learned Judge, City Civil Court, Mumbai. The dispute appears to be principally between the appellant/plaintiff and respondent No.4/defendant no.4 who is the maternal aunt of the

plaintiff. The dispute pertains to MHADA tenement. It is contended that the suit tenement has been wrongly transferred in favour of respondent no.4.

4. Considering the nature of dispute, it would be appropriate that the notice of motion itself is taken up for hearing and is adjudicated.

5. Let a reply affidavit to the notice of motion be filed within two weeks from today. After the pleadings on the notice of motion are completed, the said notice of motion be decided within six weeks from completion of the pleading. All contentions of the parties in the pending notice of motion are expressly kept open.

6. Till the decision of the trial Court on the notice of motion, no coercive action be taken against the tenement of the appellant. Ordered accordingly.

7. Disposed of in the above terms. No costs.

(G. S. KULKARNI, J)