

SA Pathan

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

**INTERIM APPLICATION NO.2786 OF 2020
IN
WRIT PETITION NO.831 OF 2021**

SHABNOOR
AYUB
PATHAN

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Nalanda Enterprise

Applicant/
... Petitioner

V/s.

Mohan Bhikaji Dongre and Anr.

... Respondents

Mr. Rohaan Cama a/w Mr Dipesh Yadav i/by M/s
Narayan & Narayanan, for Petitioner.

Mr. Kishor K Malpathak, for Respondent No.11.

CORAM : AMIT BORKAR, J.

DATED : AUGUST 22, 2023

P.C.:

1. Challenge in this petition is to the order passed by the Appellate Court rejecting interim relief in an appeal arising out of a suit for specific performance.
2. The Appellate Court initially granted order of status quo. However, by the impugned order, the Appellate Court rejected the application for stay. The petitioner being aggrieved by the said order filed present petition.
3. This Court by ad-interim relief protected the petitioner on 5 March 2020. The said order of maintaining status-quo is in force till today. It would be in the interest of justice that the Appellate

Court be directed to decide substantive appeal on merits by continuing ad-interim relief granted by this Court. By consent of the parties following order is passed:

- a. The Appellate Court is directed to decide Civil Appeal Nos.201 of 2019 and 205 of 2019 and also the appeal challenging findings recorded by the Trial Court as expeditiously and in any case within six months from today.
 - b. Ad-interim relief granted on 5 March 2020 shall remain in force till final disposal of the appeal.
4. The writ petition stands disposed of. No costs.
5. In view of disposal of writ petition, nothing survives to be adjudicated in the interim application. Therefore, the interim application stands disposed of.

(AMIT BORKAR, J.)