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IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION

WRIT PETITION NO. 2616 OF 2023

Laika Faiz Zara Kihim Trust

Through Trustee Smt. Sumaira Akbar Abdul Ali .. Petitioner

Versus

Group Grampanchayat Kihim and Ors.

.. Respondents

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- Mr. Ishwar Nankani i/by M/s. Nankani and Associates for Petitioner.
 - Mr. S.S. Patwardhan a/w. Ms. Mrinal Shekar, Advocates for Respondent Nos.1 to 3.
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CORAM : MILIND N. JADHAV, J.

DATE : MARCH 01, 2023.

P.C.:

1. Heard Mr. Nankani, learned Advocate for the Petitioner and Mr. Patwardhan, learned Advocate for the Respondent Nos.1 to 3. Perused the record and pleadings of the case before me.

2. On 27.02.2023, this Court passed the following order:-

“1. Mentioned. Not on Board. Taken on Board.

2. Heard Mr. Patil, learned Advocate for Petitioner.

3. Perused the praecipe dated 27.02.2023.

4. Mr. Patil, would submit that the contentious subject property which is subject matter of the Writ Petition is held by the Petitioner for the past 70 years. He would submit that substantive Civil Suit bearing Regular Civil Suit No.28 of 2023 has been filed before the learned Trial Court alongwith Application below Exh.05. He would submit that Application below Exh.05 was supposed to be heard on 24.02.2023, but the same was not heard and adjourned to 15.03.2023. He would submit that in the interregnum there is a threat and likelihood that the Respondent No.1 i.e. group Gram Panchyat's members and other Respondents would commit trespass on the subject

property. In that respect, Petitioner has lodged a criminal complaint on 24.02.2023 in order to prevent any criminal trespass or intended assault by the said Respondents. Interest of justice would be served if parties are directed to maintain status quo and learned Civil Court is directed to hear and decide the Application Exh.5 on the adjourned date strictly in accordance with law.

5. Petitioner is therefore directed to give notice of this Civil Writ Petition to the Respondents.

6. Stand over to 01st March,2023.

7. In the meanwhile, both the parties are directed to maintain absolute status quo until 01.03.2023.”

3. At the outset, Mr. Patwardhan would submit that he has seen the order dated 27.02.2023 and in view of the directions contained in the said order, notably paragraph No.4 thereof, Respondent Nos.1 to 3 shall not commit any criminal trespass and /or invoke any other precipitative action until the hearing of the Exhibit-5 Application on 15.03.2023.

4. Once the statement of Mr. Patwardhan is recorded as above, no further order is required to be passed in the present Writ Petition.

5. Needless to state that the learned Trial Court is directed to hear and decide Exhibit-5 Application filed by the Petitioner on the adjourned date i.e. 15.03.2023 after hearing the concerned parties and pass a reasoned order strictly in accordance with law.

6. With the above directions, Writ Petition is disposed.

[MILIND N. JADHAV, J.]