

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION
APPEAL FROM ORDER NO.223 OF 2023
WITH
INTERIM APPLICATION NO.3167 OF 2023**

Rajendra Premchandra Gupta	...	Appellant
versus		
Priyanka Lalitsingh Thakur	...	Respondent

Mr. M.P.Sherekar with Mr. A.R.Kapadia for Appellant.
Mr K.T.Babu for Respondent.

CORAM: N.J.JAMADAR, J.

DATE : 13 APRIL 2023

P.C.

1. Heard the learned Counsel for the parties.
2. The challenge in this appeal is to an order dated 23 February 2023 passed by the learned Judge, City Civil Court, Greater Mumbai, in draft Notice of Motion in Suit No.444 of 2023, whereby the learned Judge was persuaded to reject the Notice of Motion for ad-interim relief and directed the Respondent-Defendant to file Reply.
3. The Court is informed that, in the intervening period, the Respondent-Defendant has filed Reply, to which an Affidavit in Rejoinder is also filed. The Notice of Motion is now scheduled for hearing on 29 April 2023.
4. In the circumstances, it would be expedient that the Notice of Motion itself is finally heard and decided by the City Civil Court.

5. Since the principal dispute between the parties seems to be as to possession of the subject premises, the parties shall maintain status quo as of today as regards the possession of the subject premises till the decision in the Notice of Motion.

6. It is hereby made clear that the Respondent-Defendant is not restrained from initiating appropriate proceedings as permissible in law.

7. With the aforesaid clarification, the Appeal stands disposed.

8. Interim Application also stands disposed.

9. This Court has not entered into the merits of the matter and the learned Judge, City Civil Court shall decide the Notice of Motion on its own merits and in accordance with law.

(N.J.JAMADAR, J.)