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**IN THE HIGH COURT OF JUDICATURE AT BOMBAY  
CIVIL APPELLATE JURISDICTION  
WRIT PETITION NO. 6243 OF 2023**

Amol Jagdish Kapadia and others ....Petitioners

V/s.

State of Maharashtra Thr. GP and others ....Respondents

Mr. Sharan Jagtiani, Senior Advocate, Mr. Kunal Dwarkadas, Ms. Jyoti Sinha, Ms. Niyathi Kalra i/b Khaitan & Co. for the Petitioners  
Mr. K. S. Thorat AGP for Respondent Nos. 1 and 2  
Mr. Sachin Pawar for Respondent Nos. 3 to 5

**CORAM : GAURI GODSE, J.  
DATED : 18<sup>th</sup> MAY, 2023.  
(VACATION COURT)**

**P.C. :-**

1. This Writ Petition is filed for a limited relief for challenging the order dated 27<sup>th</sup> April 2023 passed by Respondent No. 2 on a pursis filed by Respondent Nos. 3 to 5 in RTS Appeal No. 19 of 2023. By the impugned order, Respondent No. 2 has directed that the status quo has to be maintained with respect to the subject property of the Appeal.

2. Learned counsel appearing for the Petitioner submitted that the impugned order of status quo was passed without hearing the Petitioners and behind the back of the Petitioners. He invited my attention to the Roznama on page 156 of the Writ Petition. Entries in

the Roznama records that on 24<sup>th</sup> April 2023, there was a pursis filed on behalf of the Appellants i.e. Respondent Nos. 3 to 5 for order of status-quo. Entry further records that the date of the hearing is adjourned to 2<sup>nd</sup> May 2023. However, on 2<sup>nd</sup> May 2023, there was no hearing taking place, and the parties were informed that the hearing would take place on 3<sup>rd</sup> May 2023. The Roznama dated 3<sup>rd</sup> May 2023 records that order of status-quo is confirmed.

3. Learned counsel for the Petitioner submitted that in view of this entry, Petitioners learnt with respect to the order of status-quo. Hence, the Application for certified copies was made and thereafter the order impugned in the present Petition was received by the Petitioners.

4. In view of the peculiar facts and circumstances of the case, learned counsel for Respondent Nos. 3 to 5 on instructions states they are agreeable if the impugned order is set aside and the Application/pursis for status-quo filed by Respondent Nos. 3 to 5 is heard afresh after giving due opportunity of hearing to the Petitioners. Learned AGP for Respondent Nos. 1 and 2 has no objection to passing such an order by consent.

5. Learned counsel for the Petitioners states that Petitioners

have served Respondent Nos. 6 to 9 by private notice. None appears for them today. Hence, in view of the limited relief sought for by the Petitioners, they are seeking leave to delete Respondent Nos. 6 to 9 from the array of Respondents in the present Petition. Since the order is passed by consent granting limited relief, which will not affect Respondent Nos. 6 to 9, leave is granted to delete Respondent Nos. 6 to 9. Amendment to be carried out in one week.

6. Hence, Writ Petition is disposed of by consent of the parties by passing the following order:

I. Impugned order dated 27<sup>th</sup> April 2023 passed by Respondent No. 2 in RTS No. 19 of 2023 is hereby quashed and set aside.

II. Both parties agree that they will appear before Respondent No. 2 on the next date, which is scheduled on 5<sup>th</sup> June 2023.

III. It is made clear that the Application for delay condonation will be heard and decided first after giving due opportunity of hearing to all the parties.

IV. It will be open to Respondent Nos. 3 to 5 to press their Application for order of status-quo after delay condonation application is heard and decided. It is made clear that Respondent Nos. 3 to 5 will give notice to all the parties before pressing for any relief as per the praecipe/application for status-quo.

V. Respondent No. 2 shall fix the schedule of the hearing at his convenience.

VI. It is made clear that I have not expressed any view on the merits of the matter, and all contentions of both parties are kept open.

VII. Writ Petition stands disposed of in the above terms.

**(GAURI GODSE, J.)**