

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION

WRIT PETITION NO.10175 OF 2018

Ulka Chandrashekar Nair ... Petitioner

V/s.

Kamlabai Gulabrao Patil and Ors. ... Respondents

Adv. Reshant Shah a/w Manan Shah i/b Lex Conseiller, Advocate for the Petitioner.

Mr. Aadil P. a/w Ms. Pragga i/b M/s Legal Vision, Advocate for Respondents Nos.2 to 4.

CORAM : RAJESH S. PATIL, J.

DATED : 2 FEBRUARY 2024

PC.:

1. After the matter was argued for some time, parties by consent have agreed that the writ petition can be disposed of with certain directions.

2. By consent this Writ Petition is disposed of with following conditions.

(i) The impugned Order dated 28 November 2017 passed by in Miscellaneous Appeal No.37 of 2017 is quashed and set aside.

(ii) The Order dated 16 January 2017 passed by the Trial Judge in order below Exhibit-11 in R.A.E. Suit No.377 of 2016 is hereby confirmed except para no.23 sub para no.2, sub para no.3, sub

para no.4

(iii) Hence, the Trial Court Order dated 16 January 2017 is confirmed to the extent of para no.23 sub para no.1 and sub para no.5. Para no.23 sub para no.1 and sub para no.5 are reproduced hereinbelow.

23(1) The defendants, their servants. Agents and representatives are hereby temporarily restrained from carrying out any work of additions and alterations of permanent nature in the suit premises and suit property during the pendency and till final hearing of the suit.

23(5) They are further restrained from unlawfully, illegally subletting and or assigning and or giving on Leave and License basis and or creating any third party interest in the suit premises till final decision of the suit.

(iv) The hearing of the R.A.E. Suit No.377 of 2016 is hereby expedited. Since this Court has not gone into the merits of the case the rights and conditions of both the parties are kept open.

3. This Writ Petition is disposed of.

(RAJESH S. PATIL, J.)