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IN THE HIGH COURT OF JUDICATURE AT BOMBAY

CIVIL APPELLATE JURISDICTION

Writ Petition NO. 6977 OF 2024

Ravindra Shankar Mohire And Anr ...Petitioners

Versus

Smt Sushila Manilal Shah And Ors ...Respondents

Ms. Vaishnavi Gujarathi, *Advocate for Petitioner.*

CORAM RAJESH S. PATIL, J.

DATED: 10 MAY 2024

PC:-

1. Issue notice to the respondent, returnable on 21 June 2024.

2. Apart from Court notice, the applicant is permitted to serve the respondent by advocate's notice by all permissible modes of service and file affidavit of service before the next date of the hearing.

3. In the meanwhile, there will be ad interim relief in terms of prayer clauses (b), (c) and (d) till the next date of the hearing. The prayer clauses (b), (c) and (d) reads as under :

“(b) Pending the hearing and final disposal of this petition this Hon’ble Court be pleased to restrain the respondents from in any manner acting upon or taking

any coercive steps on the basis of the impugned order dated 14th June, 2023 below Exh.1 passed by the Ld. Appellate Bench, Small Causes Court, Mumbai in R Appeal No.288 of 2022 or on the basis of the consent terms below Exh.13 dated 14th June, 2023;

(c) Pending the hearing and final disposal of this petition this Hon'ble Court be pleased to pass an order thereby staying the effect, execution, operation and implementation of the impugned order dated 14th June, 2023 below Exh. 1 passed by the Ld. Appellate Bench, Small Causes Court, Mumbai in R Appeal No. 288 of 2022 as well as the fraudulent consent terms below Exh.13 dated 14th June, 2023 executed between Respondent No. 1 and Respondent No. 2 to Respondent No. 6;

(d) Pending the hearing and final disposal of this petition this Hon'ble Court be pleased to pass an order thereby restraining the Respondents and/or their agents, servants, representatives, etc. from in any manner disturbing the peaceful possession, use and occupation of the suit properties by the Petitioners and further be pleased to restrain the Respondents from in any manner creating any third-party rights in respect of the suit properties;"

4. Learned counsel for the petitioner seeks liberty to amend cause title by deleting the name of respondent no.1 and adding the name of Manilal Nanji Shah.

5. Amendment to be carried out forthwith.

(RAJESH S. PATIL, J)