

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION**

**APPEAL FROM ORDER NO. 634 OF 2024
WITH
INTERIM APPLICATION NO. 12291 OF 2024
IN
APPEAL FROM ORDER NO. 634 OF 2024**

Kavita Bharat Mane

.... Appellant

Vs.

Bharat Ramchandra Mane and ors.

.... Respondents

Mr. Anuj N. Narula a/w. Ms. Meena Bhatta i/b. Jhangiani
Narula and Associates for the Appellant.

CORAM : SHYAM C. CHANDAK, J.

DATED : 06th SEPTEMBER, 2024

P.C. :-

- . Not on board. Upon mentioning, taken on board.
- 2) The aforesaid Appeal impugns the Order dated 01st August, 2024 passed by the learned Ad-hoc Judge, City Civil Court, Borivali Division, Dindoshi, Mumbai in Draft Notice of Motion in S.C. Suit No.1968 of 2023. By the impugned Order, the learned Judge declined the prayer of the Appellant/Plaintiff to grant ad-interim relief i.e., a mandatory order directing the Respondent No.1/original Defendant No.1 to forthwith vacate/remove himself along with his family members and belongings from the suit flat and restore the status quo ante as was existing prior to his illegal physical possession on 29th July, 2024.
- 3) After hearing the Appeal for some time, the learned Advocate for the Appellant submitted that, if the trial Court is directed to hear and

decide the aforesaid Notice of Motion at the earliest, he would not press for this Appeal and the Appeal may be disposed of.

4) The aforesaid statement made by the learned Advocate for the Appellant is accepted. Hence, following order :-

- ORDER -

(i) Appeal from Order No.634 of 2024 is disposed of.

(ii) The trial Court is requested to hear and dispose of the Draft Notice of Motion in S.C. Suit No.1968 of 2023 expeditiously, if possible without affecting the cases requiring expeditious hearing and disposal.

5) As a result, Interim Application No.12291 of 2024 does not survive and stands disposed of.

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JAYANI

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(SHYAM C. CHANDAK, J.)