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IN THE HIGH COURT OF JUDICATURE AT BOMBAY

CIVIL APPELLATE JURISDICTION

**SECOND APPEAL NO. 626 OF 2015
WITH
CIVIL APPLICATION NO. 1365 OF 2015
IN
SECOND APPEAL NO. 626 OF 2015**

Mahalaxmi Sah. GrahtaranAppellant
Sanstha Maryadit

Vs.

Ramakant Vasantrao TavadeRespondents
(Since Decd. Thr. LRs) and ors

**WITH
INTERIM APPLICATION NO. 14225 OF 2023
IN
SECOND APPEAL NO. 626 OF 2015**

Madhukar Anant Shevade and orsApplicants

IN THE MATTER BETWEEN

Mahalaxmi Sah. GrahtaranAppellant
Sanstha Maryadit

Vs.

Ramakant Vasantrao TavadeRespondents
(Since Decd. Thr. LRs) and ors

Mr. R. P. Walvekar for the applicant in IA 14225/2023
Mr. Amey Sawant for appellant
Mr. Utkarsh Desai i/b Mr. P. S. Bhavake for respondents

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CORAM : GAURI GODSE, J.

DATE : 2nd APRIL 2025

ORDER:

INTERIM APPLICATION NO. 14225 OF 2023:

1. Learned counsel for the applicant on instructions seeks leave to withdraw this application.

2. Leave granted. Interim application is dismissed as withdrawn.

CIVIL APPLICATION NO. 1365 OF 2015:

3. This application is for injunction in an admitted second appeal. The prayer for injunction is for restraining the respondents from creating third party rights or developing or carrying out any construction on the suit property.

4. All the respondents are served and the learned counsel who appears for the respondents submits that he appears for all the respondents.

5. By order dated 22nd September 2015, the parties were directed

to maintain status-quo as on that day. The said order is operating till date.

6. In response to the submissions made on behalf of the applicants for confirming the order of status-quo, learned counsel for the respondents submits that since the order of status-quo is operating since 22nd September 2015, the same can be confirmed. He, however, submits that the second appeal be taken up for final hearing. By order dated 3rd February 2025, interim application filed by respondents for fixing the early date of hearing is already rejected after hearing the learned counsel for respondents.

7. Hence, for the reasons recorded in order dated 3rd February 2025, at this stage, the second appeal cannot be taken up for final hearing.

8. Learned counsel for the respondents, however, submits that on 10th January 2024, this Court had directed that the appeal be listed for final hearing.

9. Office is therefore directed to verify whether the second appeal is ready for final hearing. If the second appeal is ready for final hearing,

office is directed to add the second appeal to weekly final hearing board in the month of June 2025.

10. During the pendency of the second appeal, ad-interim protection granted by order dated 22nd September 2015 shall continue.

11. Civil Application No. 1365 of 2015 is disposed of.

[GAURI GODSE, J.]