

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION

INTERIM APPLICATION NO. 9891 OF 2024

IN

FIRST APPEAL NO. 1070 OF 2019.

Lilyra Ramesh Rao

...Applicant.

IN THE MATTER OF:

Myra Alfred Pereira and Others.

...Appellants.

Versus

Irene Rose Pereira and Others.

...Respondents.

Mr. Vipul Patil i/b Mr. Prashant Aher for Appellants in both Appeals.

Mr. Sajid Shamim and Mr. S. Lakdawala i/b Shamim & Co. for the Respondent.

Coram : Sharmila U. Deshmukh, J.

Date : January 13, 2025.

P. C. :

1. By this Application, the Applicants seek clarification of order dated 26th February, 2024 and to restrain the Appellants-original defendants from preventing the Applicants-original plaintiffs from entering into the suit premises.

2. The contention of the parties is that order dated 26th February, 2024 is contradictory in as much as in Paragraph (a), there is a stay granted to the order impugned in the First Appeal and in Paragraph (b), mandatory injunction is granted not to restrain the plaintiff from going to the first floor of the suit property.

3. I have gone through the said order dated 26th February 2024. In

my view, the Application will have to be placed before the same Court which passed an order dated 26th February, 2024.

4. Registry is directed to place this Application on the administrative side before the Hon'ble Chief Justice for an appropriate order as the Court is available at Aurangabad bench.

5. The Additional Affidavit and Rejoinder, if any to be filed in the Registry before the next date.

[Sharmila U. Deshmukh, J.]