

**IN THE CITY CIVIL COURT AT DINDOSHI
(BORIVALI DIVISION), GOREGAON, MUMBAI.**

**ORDER BELOW EXH.7
IN
S.C. SUIT NO.1001 OF 2013**

Mr.Rakesh Parmatmanath Tiwari

.... Plaintiff

V/s

Mr.Indresh Parmatmanath Tiwari

....Defendant

Mr.Jayale, Advocate for plaintiff.

Mr.Pandey, Advocate for defendant.

**CORAM : HIS HONOUR JUDGE SHRI S.B.JAGTAP
(Court Room No.4)**

DATE : 9th October, 2015

: ORDER :

1. Ld.Advocate for plaintiff has filed present application for continuation of ad-interim order dated 25.6.2013.

2 Plaintiff has filed suit against defendant for declaration and injunction and this court was pleased to pass order on 25.6.2013 after hearing both the parties in favour of plaintiff. Interim protection was granted by this court was continued from time to time till 29.8.2015. On 29.8.2015, defendant has filed reply to Notice of motion and plaintiff was absent and his advocate was not keeping well, therefore ad-interim order was not extended on at day. Plaintiff has filed this application for continuation of order dated 25.6.2013 with retrospective effect. Interim protection granted by this Court required to be continued. If interim

protection is not continued, then plaintiff will sustain irreparable loss, which cannot be compensated in terms of money and lastly prayed to grant the application.

3 Ld.Advocate for defendant has filed say and submitted that in the interest of justice relief may not be allowed as plaintiff is rank trespasser. His stay in the suit premises is illegal.

4 Heard Ld.Advocate for plaintiff and Ld.Advocate for defendant. Perused the order passed on 25.6.2013. Defendant was restrained from dispossessing plaintiff from the suit premises till next date, if he is in possession of the suit premises as on today and further defendant was restrained from creating any 3rd party interest in the suit premises till next date. After perusal of roznama, it appears that on 29.8.2015, defendant has filed reply to Notice of motion and on that day interim order was not continued as neither plaintiff not his advocate was present. If the order is not continued, then plaintiff will sustain irreparable loss. Defendant may create 3rd party right in the suit premises. Therefore, it is necessary in the interest of justice to pass following order:

ORDER

1. Application (Exh.7) is allowed.
2. Ad-interim order dated 25.6.2013 passed by this Court is hereby continued with retrospective effect till next date.
3. Application (Exh.7) is disposed of accordingly.

Dt. 9.10.2015

(S.B.Jagtap)
Judge, City Civil Court,
Dindoshi, Goregaon, Mumbai.

Dictated on : 9.10.2015

Transcribed on : 13.10.2015

Signed on : 16.10.2015

Sent to dept.on :

“ I affirm that the contents of this PDF file order are the same, word to word, as per the original order.”

Name of Steno with post: Mrs.S.A.Kapare, H.G.Stenographer.

-Name of the Judge (with Court No...)-HHJ Shri S.B.Jagtap,
Court Room No.4.

-Date of pronouncement of order:- 9/10/2015

-Order signed by the P.O. on:-16/10/2015

-Order uploaded on:- 16/10/2015