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

WRIT PETITION NO.867 OF 2011

Dr.Vidya Dilip Awar

... Petitioner

V/s.

Prem Singh Motasingh Bawa & Ors.

... Respondents

Mr.Dilip G. Bagwe for the Petitioner

Mr.Tulshidas M. Gole, for Respondent No.1

CORAM: S.C.DHARMADHIKARI, J.

DATE: JUNE 9, 2011.

P.C.:

1. Heard Mr.Bagwe, learned advocate appearing for the petitioner and the learned Counsel appearing for the contesting Respondent No.1 Perused the order of the lower appellate Court and that of the trial Court. In my view, prima facie, there are arguable questions raised for determination particularly in the light of the findings of the lower appellate Court.

2. Hence, Rule. Respondent No.1 waives service. Ad-interim order passed by this Court on 27.1.2011 shall continue till the hearing and final disposal of this petition but on condition that the petitioner shall not part with the possession or create any third party rights of the flat and the establishment which she is running from the subject flat. She shall pay the outgoings and maintainance charges regularly and without any default or else the benefit of this order will not be available to her.

3. Hearing of the petition is expedited.

(S.C.DHARMADHIKARI, J.)