

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION
FIRST APPEAL (ST) NO.17986 OF 2014
WITH
CAF/2307/2014 IN FAST/17986/2014**

Office Notes, Office Memoranda of Coram, appearances, Court's orders or directions and Registrar's orders	Court's or Judge's orders.
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Mr.J.S.Kini i/b Suresh Dubey, Advocate for the Appellants.

Mr. H.K.Vajirani, Advocate for respondent no.1.

CORAM: R.G.KETKAR, J.

DATE : 09/07/2014

PC:

1. Not on Board. At the request of Mr. Kini, taken up in production board.

2. Heard Mr. J.S.Kini, learned counsel for the appellants and Mr. H. K. Vijirani, learned counsel for respondent no.1.

3. Mr. Kini invited my attention to the order dated 8.8.2011 passed by this Court in Appeal from Order No.615 of 2009 in particular paragraph 3 thereof. In paragraph 3, this Court recorded statement made on behalf of respondent no.1 that till the pendency of the suit, original defendants shall not make

additional construction on the existing building occupied by the plaintiff and he will also not make any construction abutting the existing building but he may make construction of the new building on the said open plot purchased from Parasram Jagasia and Roopchand Jagasia after obtaining fresh permission or after getting the already sanctioned plan modified, without using any FSI available on the existing buildings. Statements made on behalf of the defendants were accepted by this Court.

4. Mr. Kini submitted that the learned trial Judge has dismissed the suit. He invited my attention to the operative part of the order dated 30.6.2014 and submitted that till date the reasoned order is not made available to the parties. He further submitted that the interim arrangement as per the order dated 8.8.2011 may be continued until further orders.

5. Having regard to the fact that the

reasoned order is not yet available, list the Appeal for admission as it is on 23.7.2014.

6. Leave to amend so as to annex copy of the impugned order as also make suitable amendment in Appeal Memo, is granted. Interim arrangement recorded in the order dated 8.8.2011 shall remain in force till 30.7.2014.

(R.G.KETKAR, J.)