



IN THE HIGH COURT OF JUDICATURE AT BOMBAY
TESTAMENTARY AND INTESTATE JURISDICTION

INTERIM APPLICATION (L) NO. 4398 OF 2024
IN
TESTAMENTARY PETITION NO. 1655 OF 2017

Kanchan Todi. ... Applicant
V/s.
Bainiram Aggarwal. ... Respondent

WITH

INTERIM APPLICATION (L) NO. 13749 OF 2022
IN
NOTICE OF MOTION NO. 4 OF 2022
IN
TESTAMENTARY PETITION NO. 1655 OF 2017

Kanchan Todi. ... Applicant
V/s.
Rajesh Motilal Loya & ors. ... Respondents

Mr. Rohan Cama, Mr. Archit Jayabar a/w. Ms. Pooja Yadav i/b. Jayakar & Partners, Advocate for applicant.

Ms. N.S. Nappinai, Senior Counsel a/w. Ms. Priyanka Kumar i/b. Navin P. Sachanandani, for Respondent Nos. 4 to 7.

Mr. Manish Upadhye, AGP for State.

CORAM : MANISH PITALE, J.
DATE : 19th APRIL, 2024

P.C. :

. Heard learned counsel for the parties for some time.



2. Learned Counsel for the Applicant on instructions submits that instead of pressing reliefs in the present Interim Application, the applicant would withdraw the Application with liberty to press for appropriate interim reliefs in Special Civil Suit No. 783 of 2023 pending before the Court of Civil Judge Senior Division, Belapur. It is submitted that this Court while granting permission to withdraw the present application and reserving aforesaid liberty, may keep all questions open.

3. In view of the above, the Interim Application is disposed of as withdrawn. The applicant is granted liberty to pursue interim reliefs as claimed in the aforementioned Suit pending before the Court of Civil Judge, Senior Division, Belapur and any interim application filed therein.

4. It is made clear that the aforesaid Court shall proceed to decide the Interim prayers made by the applicant in the pending suit uninfluenced by the observations made by this Court in the Order dated 29/4/2022. It is further made clear that since the Order dated 29/4/2022 passed by this Court in the present application was an interim order pending consideration of the present application, any findings rendered therein shall not be treated as findings rendered by this Court on the question of possession claimed by the applicant in alleged Flat No. 1002 in Anant Building, Vashi, Navi Mumbai.

5. The aforesaid Court is directed to take up the application for interim reliefs, preferred by the applicant, for consideration at the earliest and to dispose of the same as expeditiously as possible and in any case within a period of 6 weeks from the date of production of this order before the said



Court.

6. It is further made clear that all rights and contentions of the rival parties are kept open.

7. All pending applications also stand disposed of.

(MANISH PITALE, J.)