

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
ORDINARY ORIGINAL CIVIL JURISDICTION**

INTERIM APPLICATION (L) NO.6682 OF 2024

IN

SUTT (L) NO.5236 OF 2024

Shri Diamond Center Premises Co-Op. Society Ltd. ... Applicant

In the matter of

Shri Diamond Center Premises Co-Op. Society Ltd. ... Plaintiff

V/s.

D. K. Builders & Associates ... Defendants

Dr. Abhinav Chandrachud a/w Mr. Saurabh Utangale a/w Mr. Sarthak Utangale
i/by Utangale & Company for the Plaintiff/Applicant.

Mr. Piyush Raheja a/w Mr. Sahil Gandhi & Mr. Ankur Kalal i/by Markand
Gandhi & Company for Defendant No.14.

CORAM : ARIF S. DOCTOR, J.

DATE : 19TH JUNE 2024

P.C. :

1. Mr. Raheja, Learned Counsel appearing on behalf of Defendant
No.14 seeks time to file Affidavit in Reply to the present Interim Application.

2. Dr. Chandrachud, Learned Counsel appearing on behalf of the Plaintiff/Applicant submits that in the interregnum the Plaintiff requires certain interim relief seeking a stay on the dispossession from the suit property, given that the Plaintiff is in use and occupation of the suit property for a period over 38 years.

3. There is no dispute to this fact. However, it is submitted that the Suit was filed in the Small Causes Court for eviction of the Plaintiff on the basis that the Plaintiff was a monthly tenant, which has been decreed. However, there are certain Revision proceedings pending against that decree and which matter is now listed on 3rd July 2024. It is also informed that there is a stay on the eviction of the Plaintiff from the suit property in those proceedings.

4. In view of the above facts, I find that the need to grant any interim relief at this stage does not arise, since the Plaintiff is already protected. However, in the event any precipitative steps are taken to interfere and/or dispossess the Plaintiff, the Plaintiff is at liberty to move this Court for interim relief, which shall be considered.

5. Stand over to 8th July 2024.

(ARIF S. DOCTOR, J.)