

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
TESTAMENTARY AND INTESTATE JURISDICTION
MISCELLANEOUS PETITION (L) NO. 13202 OF 2021

Krishnanath Alias Krishnakant
Shivling Sakhare

....Petitioner

V/s.

Ramesh Shivling Sakhare

....Respondent

Mr. Atul Damle, Senior Advocate a/w Mr. Ram Upadhyay i/b Law
Competere Consultus for Petitioner.
None for Respondent.

CORAM : K.R.SHRIRAM, J.
DATED : 23rd JULY 2021

P.C. :

1. Respondent is absent though served. Mr. Damle relies on affidavit of Mr. Suryakant Salvi affirmed on 13/07/2021 and another affidavit also affirmed on 13/07/2021 confirming service of petition as well as informing respondent about the date granted on 08/07/2021 for hearing. Mr. Damle on instructions of Mr. Upadhyay states that even notice of today's hearing is given to respondent. Mr. Upadhyay states affidavit of service will be filed within one week from today. Since nobody has entered appearance despite service and no reply also has been filed, without going into merits of the matter, I shall grant for the moment prayer clause (g) which reads as under :

(g) Pending the hearing and final adjudication of this present application, this Hon'ble Court be pleased to order to maintain status quo with regards to suit premises on as is basis, where is basis and what is basis ;

2. The suit premises mentioned in the plaint is Survey No.200, Hissa No.1, admeasuring 7 acres 39 Gunthas at Village Bhandup, Mumbai Agra Road, within the registration district and sub-district of Bombay City and Bombay suburban {East : Nala and Slum ; South : Saileela Apartment Building ; West : L.B.S. Road ; North : Asian Paint Company}
3. A copy of this order be also served by Hand Delivery upon respondent within 72 hours of the order being uploaded in addition to other usual modes of service. Affidavit in reply to be filed and copy served within four weeks, Rejoinder, if any, to be filed within two weeks thereafter.
4. If respondent wish to apply for recalling the order passed today, he shall give minimum one week advance notice to petitioner.
5. All to act on authenticated copy of this order.
6. Matter to come up in due course.

(K.R. SHRIRAM, J.)