

this Court dated 28th January, 2010 may be stayed for a period of one week in order to enable him to take out an appropriate draft notice of motion/application.

2 Draft motion/application, if tendered in the office, may be circulated and listed on lodging number subject to office objections. Shri Madon, learned Senior Counsel appearing on behalf of the applicant submitted that the plaintiff is not entitled, therefore, to seek possession of the property, in question, which is in possession of the applicant since he is not a party to the suit and no notice was given to the applicant before moving this court for obtaining Judge's Order.

3 Shri Thorat, learned Senior Counsel appearing on behalf of the plaintiff, however, has raised a preliminary objection regarding the maintainability of the notice of motion. He has submitted that no relief can be claimed as prayed by

the applicant in the notice of motion.

4 The said objection shall be considered after the motion is placed on the board for further orders on 15th February, 2010. Judge s Order and the reasoned order dated 28th January, 2010, therefore, is stayed till then. Liberty is granted to the applicant to withdraw the draft notice of motion and file an appropriate motion/application. Copy of the motion/application shall be served on the plaintiff or his Counsel at least two days in advance.

(V.M. KANADE, J.)