

IN THE SUPREME COURT OF INDIA  
CIVIL APPELLATE JURISDICTION

CIVIL APPEAL NO. 7663 OF 2011  
(Arising out of SLP(C) No. 20968/2010)

VISHNU DHANAPPA MAGADE(D) BY LRS.& ORS.

Petitioner(s)

VERSUS

SANGITA PRADIPKUMAR MAGADE

Respondent(s)

O R D E R

1. Leave granted.

2. This appeal is directed against the judgment and order dated 15.4.2010 passed by the Bombay High Court whereby the High Court disposed of the Civil Application filed by the respondent herein.

3. A suit was filed by the parents-in-law of the respondent herein seeking for injunction restraining the respondent from evicting the plaintiffs from the suit flat and also for injunction the defendant-respondent from entering into the suit flat. In the plaint there was another relief which was sought was for a declaration that the suit premises is a joint family property.

4. The aforesaid suit was partly decreed by judgment and

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order dated 21.12.2005. However, from the decree passed it appears that the third relief i.e. regarding declaration of the suit premises as a joint family property was not considered and dealt with by the learned trial court. However, by the said judgment and order the suit was partly decreed to the following effect:

"1. The defendant is hereby perpetually restrained from evicting the plaintiffs from the suit flat.

2. The suit of the plaintiffs to injunct the defendant from entering into the suit flat is hereby dismissed."

5. Being aggrieved by the said judgment and decree passed, the respondent preferred an appeal before the Bombay High Court, which was registered as First Appeal No. 101 of 2006. The said appeal has since been admitted and is yet to be listed for final hearing. In the said pending appeal, the aforesaid Civil Application No. 439 of 2010 was filed which came to be disposed of by the impugned judgment and order. Being aggrieved by the same, the present appeal is preferred by the appellants. The present appeal is, therefore, filed as against the interim order. There is already an order in favour of the appellants herein that the mother-in-law of the respondent would not be evicted from the suit flat.

6. Since the appeal is pending consideration before the High Court, in our considered opinion, it would be more appropriate to  
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decide the appeal itself as expeditiously as possible. Therefore, we request the Bombay High Court to hear and dispose of the appeal, which was filed in the year 2006, as expeditiously as possible, preferably within a period of six months.

7. In that view of the matter and since we have requested the High Court for early disposal of the appeal, we are not inclined to interfere with the impugned judgment and order at this stage. However, we make it clear that by passing the present order, we have not expressed any opinion or view on the merit of the appeal either way and that the High Court shall consider the appeal in accordance with law and shall dispose of the same with a speaking order in terms of the observations made herein.

8. The appeal is disposed of with the aforesaid observations.

