

**IN THE HIGH COURT OF JUDICATURE AT MUMBAI
APPELLATE CIVIL JURISDICTION
APPEAL FROM ORDER NO. 124 OF 2010
WITH
CIVIL APPLICATION NO.186 OF 2010**

Santosh R. Raorane	...Appellant.
v.	
Sunil Mali & Ors.	...Respondents.

Mr. Rakesh D. Dave, adv. For the Appellant.

Mr. S.S.Redekar, adv. For the Respondent Nos.1 and 2.

**CORAM : J.H. BHATIA, J.
DATED : MARCH 31, 2010**

P.C.

1 Heard.

2 The plaintiff/appellant had filed suit under Section 6 of the Specific Relief Act for possession. Therein, he moved notice of motion which was rejected, hence, he has preferred this appeal. In view of the provisions of Section 6(3) of the Specific Relief Act, no appeal is tenable against any decree or order passed under Section 6. Therefore, appeal is not tenable. The learned counsel for the respondents points out that since December, 2009, suit is fixed for recording of evidence of the plaintiff and the plaintiff has taken as many as eight adjournments. The learned counsel also states that respondent nos.1 and 2 have no intention to dispose off the suit property in near future .

3 Appeal stands dismissed as non tenable. However, The trial Court shall expedite the hearing of the suit no.1864/09 and dispose off the same by the end of June, 2010. Civil Application in the result becomes infructuous and stands disposed off accordingly.

(J.H. BHATIA,J.)