

IN THE HIGH COURT OF JUDICATURE AT BOMBAY***CIVIL APPELLATE JURISDICTION*****APPEAL FROM ORDER NO. 499 OF 2015****IN****NOTICE OF MOTION NO. OF 2014****IN****S.C. SUIT NO. 3210 OF 2014****Aarti Kishor Salvi****..... Appellant****VERSUS****Pandharinath Ganpat Salvi & Anr.****..... Respondents**

Mr.Nikhil Wadikar, i/b. Mr.Nandu Pawar for the Appellant.

Mr.R.S.Kachare, i/b. M/s.Dahibawkar & Co. for the Respondents.

CORAM : R.D. DHANUKA, J.**DATED : 24th NOVEMBER, 2015****P.C.**

Learned counsel appearing for the respondents has no objection if the impugned order passed by the learned trial judge dismissing the unregistered notice of motion filed by the appellant (original plaintiff) is set aside.

2. Learned counsel appearing for the respondents states that the chamber summons for seeking amendment of the plaint filed by the original plaintiff is still pending. There is also a dispute as to whether Suit No.1099 of 1977 in which the plaintiff herein has placed reliance is dismissed or not.

3. Parties have no objection if the chamber summons filed by the appellant (original plaintiff) is first disposed of by the trial court on its own merits. The learned trial Judge is directed to dispose of the chamber summons expeditiously and not later than three months from today. If any other application is filed for

seeking amendment to the chamber summons the same also can be disposed of by the trial court simultaneously.

4. It is made clear that after disposal of the chamber summons filed by the plaintiff, the plaintiff will be at liberty to apply for interim reliefs by filing notice of motion. If any such notice of motion is filed, the learned trial judge shall consider the said notice of motion on its own merits without being influenced by the interim order passed by the learned trial Judge. All contentions raised by the original defendants in the present proceedings and all other contentions as are permissible in law are kept open.

5. The learned trial judge shall dispose of all the interlocutory proceedings on its own merits. Appeal from order is disposed of in the aforesaid terms. No order as to costs.

[R.D. DHANUKA, J.]