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IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION

APPEAL FROM ORDER NO.202 OF 2015
IN
NOTICE OF MOTION NO.2678 OF 2014
IN
S.C. SUIT NO.1972 OF 2014

WITH
CIVIL APPLICATION NO.261 OF 2015
IN
APPEAL FROM ORDER NO.202 OF 2015
IN
NOTICE OF MOTION NO.2678 OF 2014
IN
S.C. SUIT NO.1972 OF 2014

Mrs.Nafisa S. Sentranjiwala & Ors.	...Appellants
V/s.	
Ms.Vidya D. Bhambal & Ors.	...Respondents

Mr.Y.H. Muchhala, Senior Counsel with Mr.Sharique Nachan and Ms.Rashda Ainapore i/b Judicare Law Associates for the Appellants.

Mr.Suresh Gole for the Respondents.

CORAM : R.D. DHANUKA, J.
DATE : 16TH NOVEMBER, 2015.

P.C. :-

1. By consent of parties the following order is passed :-
 - a). The impugned order dated 24th November, 2014 passed by the learned trial Judge in Notice of Motion No.2678 of 2014 is set

aside.

b). Mr.Muchhala, learned senior counsel for the appellants (original plaintiffs) seeks liberty to withdraw Notice of Motion No.2678 of 2014 with liberty to file a fresh notice of motion.

c). Notice of Motion No.2678 of 2014 is allowed to be withdrawn with liberty as prayed. The original plaintiffs would be at liberty to file a fresh notice of motion for such reliefs as the plaintiffs deem fit. If any such notice of motion is filed by the original plaintiffs, the learned trial Judge shall consider the said notice of motion on its own merits. The appellants have agreed to file such notice of motion within one week from today.

d). If any such notice of motion is filed, the original defendants shall file affidavit in reply within two weeks from the date of service of the said notice of motion along with affidavit in support. The learned trial Judge shall dispose of the said notice of motion expeditiously and not later than four months from the date of completion of the pleadings.

e). It is made clear that the learned trial Judge shall not be influenced by the observations made by the learned trial Judge in the impugned order passed in Notice of Motion No.2678 of 2014.

f). All the contentions raised by both the parties are kept open

2. The appeal is disposed of in aforesaid terms. No order as

to costs.

3. In view of disposal of the appeal from order, the civil application does not survive and is accordingly disposed of.

(R.D. DHANUKA, J.)