

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION

APPEAL FROM ORDER NO.224 OF 2015

M/s.Capital World Media Services
Pvt. Ltd.

.. Appellant

-Versus-

M/s.Jayashree Advertising Pvt. Ltd.

.. Respondents

Mr.A.M.Saraogi with I.K.Pripathi with Bhagyashree Gavas i/b.
C.K.Tripathi for appellant

Mr.N.N.Bhadrashete i/b. Mrs.Pooja B. Vayale for respondent No.1.

CORAM : K.K.TATED, J.

DATE : 20th March 2015.

P.C.

1] Heard learned Counsel for the parties. By this appeal from order, the plaintiff- appellant challenges the order dated 23rd January 2015 passed by the Bombay City Civil Court, Bombay in Notice of Motion No.185 of 2015, preferred by the respondent defendant, which was made absolute in terms of prayer clause (b). The said prayer clause (b) of the said notice of motion reads thus:-

(b) That pending hearing and final disposal of the abovementioned suit the plaintiff be ordered to pay

on or before 20th January 2015, the earlier outstanding amount and the monthly rent from October 2014 till January 2015 due and payable amounting to the sum of Rs.63,91,860 (Rupees Sixty three lakhs ninety one thousand eight hundred and sixty only), August 2014 Rs.3,49,500, September 2014 – Rs.3,12,000/- and October 2014 to January 2015 Rs.57,30,360/- including service tax to the defendant as per contract and to continue to make the payment regularly as per contract till expiry of the contract and/or termination of the contract by defendant company, enabling the defendant to pay the same to the Airport Authority GVK and save their contract with them.”

2] The learned Counsel for the respondents defendants states that they have no objection if the impugned order dated 23rd January 2015 is set aside and matter is remanded for hearing on its own merits by the trial court. Hence, by consent of parties and without recording any reasons, following order is passed:-

(a) The impugned order dated 23rd January 2015 passed by the City Civil Court, Mumbai in Notice of Motion No.185 of 2015 is set aside;

(b) Notice of Motion No.185 of 2015 is restored to file of City Civil Court, Mumbai.

(c) Appellants to file their affidavit in reply in the said Notice of Motion No.185 of 2015 within two weeks from today and serve a copy of the same on other side;

(d) Rejoinder, if any, to be filed within one week after service of affidavit in reply and a copy be served on other side within one week thereafter;

(e) Trial Court is directed to decide the Notice of Motion No.185 of 2015 as expeditiously as possible.

(f) A.O. disposed of accordingly.

(g) In view of disposal of appeal from order, the civil application does not survive and disposed of accordingly.

(K.K.TATED, J.)