

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION**

**APPEAL FROM ORDER (ST) NO.4771 OF 2015
WITH
CIVIL APPLICATION (ST). NO.4772 OF 2015**

Office Notes, Office Memoranda of Coram, appearances, Court's orders or directions and Registrar's orders	Court's or Judge's orders.
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Mr.Vineet Naik, Sr.Counsel, Mr.Darshan R. Mehta, Ms.Sadhvi Shahi i/b M/s.Dhruve and Liladhar and Co. for the appellant

Mr.Vishal Talsania with Ms.Sneha Pandey i/b M/s.Motiwala and Co.for the respondent

CORAM : K.K.TATED, J.
DATED : 20/02/2015

PC:

1 Not on board. At the request of Advocate for the appellant, matter is taken on board for urgent orders.

2 The learned Senior counsel appearing on behalf of the appellant plaintiff submits that they preferred draft Notice of Motion dated 18.2.2015 restraining respondent defendant from taking any action against them pursuant to the notice dt.12.8.2014 issued by them. He further submits that the Trial Court refused ad interim order on 18.2.2015. Till today the impugned order is not ready.

3 On the other hand, the learned counsel for the respondent defendant after taking instructions from the instructing advocate makes a statement that respondent will not take any coercive action against the appellant plaintiff pursuant to the letter dated 12.8.2014 till the hearing and final disposal of Notice of Motion dated 18.2.2015. Statement is accepted. Hence, following order:

A) Statement made by the learned counsel for the respondent defendant that they will not take any coercive action against the appellant plaintiff pursuant to the notice dt.12.8.2014 till the hearing and final disposal of Notice of Motion dated 18.2.2015 is accepted.

B) Considering the facts and circumstances of the present case, hearing of Notice of Motion is expedited.

C) Appeal from Order disposed of accordingly.

D) In view thereof, Civil Application does not survive. The same is also dismissed as infructuous.

Parties to act on authenticated copy of this order.

(K.K.TATED, J.)