

IN THE HIGH COURT OF JUDICATURE AT MUMBAI
CIVIL APPELLATE JURISDICTION
APPEAL FROM ORDER NO.566 OF 2015
WITH
CIVIL APPLICATION NO.784 OF 2015

Nirmal P. Jhunjhunwala and another ... Appellants
Vs.
Payal Aditya Jhunjhunwala ... Respondent

Mr. G. S. Godbole i/b. Mr. Sonu Tandon for Appellants.
Mr. A. M. Sethna a/w. Mr. D. P. Singh and Mr. Raju Thakker for
Respondent.

CORAM : R. G. KETKAR, J.
DATE : MAY 07, 2015

P.C. :

Not on Board. At the request of Mr. Godbole, taken up in the
production Board.

2. As the regular Court presided over by Hon'ble Mr. Justice K. K.
Tated is not available, as per the administrative order passed by the
Hon'ble the Chief Justice, papers are produced before me.

3. Heard Mr. Godbole, learned Senior Counsel for appellants and
Mr. Sethna, learned Counsel for respondent.

4. By this Appeal, original plaintiffs have challenged the order dated
07.04.2015 passed by the learned trial Judge in Notice of Motion No.970
of 2015. By that order, the learned trial Judge refused ad-interim relief.

5. Mr. Godbole submitted that during the pendency of this Appeal,
appellants have received letter dated 06.05.2015 (date wrongly typed as
'06.04.2015') sent by the respondent by email dated 07.05.2015 at 10:02

AM. He submitted that in view of the changed circumstances, appellants will move afresh for ad-interim order in the Motion. He states that before moving the learned trial Judge for ad-interim order afresh, appellants will give 3 days advance notice to the respondent. Mr. Sethna assures that within 1 week from today, he will serve copy of the reply on the other side.

6. In view of this, Mr. Godbole, upon taking instructions, does not press this Appeal. Hence, the Appeal from Order is disposed of as not pressed with liberty as prayed for. It is made clear that I have not examined the merits of the case. All the contentions of the parties on merits are expressly kept open.

7. In view of the disposal of the Appeal from Order, Civil Application No.784 of 2015 does not survive and the same is disposed of.

(R. G. KETKAR, J.)

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