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IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION

APPEAL FROM ORDER NO.976 OF 2013
IN
NOTICE OF MOTION NO.822 OF 2012
IN
S.C. SUIT NO.2990 OF 2012

M/s.Veena Developers & Anr.	...Appellants
V/s.	
Dilip M. Sanghoi & Anr.	...Respondents

None for the Appellants.

Mr.Ajay Panicker i/b Ajay Law Associates for the Respondent No.1.

CORAM : R.D. DHANUKA, J.
DATE : 1ST DECEMBER, 2015.

P.C. :-

1. None appeared for the appellants when the matter was called out.
2. Mr.Panicker, learned counsel appearing for the respondent no.1 (original plaintiff) submits that the matter is already on board of the Bombay City Civil Court for framing issues.
3. By this appeal, the appellants have impugned the order dated 15th February, 2013 passed by the learned trial Judge allowing the notice of motion filed by the original plaintiff partly thereby restraining the appellants from alienating or crating any third party

interest in the suit flat and also from parting with possession till the disposal of the suit. There is no interim relief granted by this Court in this appeal from order while admitting the appeal from order. The interim order passed by the learned trial Judge in favour of the original plaintiff is in force.

4. Since the suit itself is placed on board for framing issues, it would be appropriate if the interim order passed by the learned trial Judge to continue till the disposal of the suit. No case for interference with the impugned order passed by the learned trial Judge is made out. The appeal is accordingly dismissed.

5. Both the parties are directed to proceed with the trial of the suit and shall not take unnecessary adjournment before the learned trial Judge. If the suit is ready, the learned trial Judge shall proceed with the suit expeditiously. No order as to costs.

(R.D. DHANUKA, J.)