

IN THE HIGH COURT OF JUDICATURE AT BOMBAY***CIVIL APPELLATE JURISDICTION*****APPEAL FROM ORDER NO. 720 OF 2015****IN****NOTICE OF MOTION NO. 510 OF 2015****IN****LONG CAUSE SUIT NO. 232 OF 2015****ALONGWITH****CIVIL APPLICATION NO. 966 OF 2015****IN****APPEAL FROM ORDER NO. 720 OF 2015****IN****NOTICE OF MOTION NO. 510 OF 2015****IN****LONG CAUSE SUIT NO. 232 OF 2015****M/s.Neumec Venture****..... Appellants****VERSUS****Charles Valentine Misquitta & Ors.****..... Respondents**

Ms.Deepti Panda, a/w. Ms.Swapna Roopavate, Ms.Kausar Bantawala, i/b.
Mr.Tushar Goradia for the Appellants.

Mr.Girish Godbole, i/b. Mr.Sumit Kothari for Respondent Nos. 1 to 17.

Ms.M.R.Bhoir for Respondent Nos. 18 and 19 – BMC.

CORAM : R.D. DHANUKA, J.**DATED : 24th NOVEMBER, 2015****P.C.**

Learned counsel appearing for the parties jointly state that they have no objection if the Notice of Motion No.510 of 2015 filed by the original plaintiff itself is disposed of expeditiously. Mr.Godbole learned counsel appearing for the respondent nos. 1 to 17 states that the Notice of Motion is already on board before learned trial Judge for hearing and final disposal. Both the learned counsel state

that their clients will not apply for unnecessary adjournment before the trial court and will proceed with the hearing of the notice of motion in co-operation with each other and will co-operate the learned trial judge in expeditious disposal of the notice of motion. Statement is accepted.

2. Learned judge is directed to dispose of the notice of motion within three months from the date of the parties producing copy of this order. It is made clear that the observations made by the learned trial judge in the impugned order are prima facie. The learned trial judge shall dispose of the notice of motion without being influenced by the observations made by the learned trial Judge in the impugned order and shall dispose of the notice of motion on its own merits. Appeal from order is disposed of in the aforesaid terms. No order as to costs.

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

[R.D. DHANUKA, J.]