

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

**APPEAL FROM ORDER (ST) NO.14893 OF 2015
WITH
CIVIL APPLICATION (ST) NO.14894 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.Muralidhar Khadilkar with Mr.Sagar
Chandra i/b M/s.Mag Legal for the appellant

Mr.M.V.Thorat for the respondent

CORAM : K.K.TATED, J.
DATED : 23/06/2015

PC:

- 1 Heard the learned counsel for the parties.
- 2 The learned counsel Mr.M.V.Thorat makes a statement that he received instructions to appear on behalf of respondent. He waives service.
- 3 He undertakes to file Vakalatnama within two weeks from today.
- 4 This Appeal from Order is preferred by defendants challenging the order dated 16.5.2015 passed by learned District Judge-2, Solapur below Exhibit 5 in Civil Suit No.2 of 2015.
- 5 By consent of both the parties order dated 16.5.2015 is modified to the following extent and

Appeal from Order is disposed of:

- a) Appellant original defendant is free to take proper legal action against the plaintiff according to law.
- b) If any legal proceeding is filed by the appellant defendant in any court, before moving for ad-interim relief, they have to give 48 hours clear notice to the respondent plaintiff's Advocate Mr.M.V.Thorat having address as 3, 2nd floor, Building No.35, Ambalal Doshi Marg, Behind Dena Bank, Fort, Mumbai 400 023 either by registered post A.D. / hand delivery / courier / speed post and file Affidavit of Service to that effect.
- c) With this modification, Appeal from Order stands disposed of.
- d) In view thereof, Civil Application does not survive. The same is also dismissed as infructuous.
- e) No order as to costs.

(K.K.TATED, J.)