

IN THE HIGH COURT OF JUDICATURE AT BOMBAY***CIVIL APPELLATE JURISDICTION*****APPEAL FROM ORDER NO. 721 OF 2014****IN****DRAFT NOTICE OF MOTION****IN****SHORT CAUSE SUIT NO. 1091 OF 2014****ALONGWITH****CIVIL APPLICATION NO. 872 OF 2014****IN****APPEAL FROM ORDER NO. 721 OF 2014****IN****DRAFT NOTICE OF MOTION****IN****SHORT CAUSE SUIT NO. 1091 OF 2014****Pankaj Dave & Ors.****..... Appellants****VERSUS****Rajnikant Yashwant Mantri & Ors.****..... Respondents**

Mr.Rajiv Narula, i/b. Jhangiani Narula & Associates for the Appellants.

Mr.Ganesh Jadhav for Respondent Nos. 1 and 2.

Mr.Girish Utangale, a/w. Mr.Vinay Bhorge, i/b. M/s.Utangale & Co. for Respondent Nos. 3.

CORAM : R.D. DHANUKA, J.**DATED : 30th NOVEMBER, 2015****P.C.**

By this appeal from order, the appellants have impugned the order dated 9th May, 2014 passed by the learned trial judge in favour of the original plaintiffs thereby granting ad-interim relief in terms of prayer clauses (a) and (c) of the notice of motion. The notice of motion is still pending. During the pendency of this appeal, this court has not granted any ad-interim stay of the impugned order

dated 9th May, 2014 and the same is in force till today.

2. Since the appeal is arising out of the ad-interim order granted by the trial court as far back as on 9th May, 2014, it would be appropriate if the notice of motion itself is heard expeditiously. Affidavit in reply if any, shall be filed by the defendants within two weeks from today and a copy thereof shall be served upon the plaintiffs' advocate simultaneously. Rejoinder if any, shall be filed within two weeks from the date of service of service of affidavit in reply.

3. Learned trial judge shall make an endeavor to dispose of the notice of motion within four months from the date of parties completing their pleadings in the notice of motion. It is made clear that the observations made by the learned trial judge in the impugned order dated 9th May, 2014 are tentative. Notice of motion shall be decided on its own merits without being influenced by the observations made by the learned trial judge in the impugned order. Appeal from order is disposed of in the aforesaid terms. No order as to costs. In view of the disposal of the appeal from order, civil application does not survive and is accordingly disposed of.

[R.D. DHANUKA, J.]