

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

**APPEAL FROM ORDER NO.860 OF 2015
WITH
CIVIL APPLICATION NO.1055 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.Prem Gidwani i/b Mr.Sualeh Nagvadaria
for the appellant

Mr.Shishir Joshi with Mr.C.M.Jadhav i/b
M/s.Mahesh Menon and Co. for the
respondent nos.1 and 2

CORAM : K.K.TATED, J.

DATED : 14/07/2015

PC:

1 Not on board. At the request of Advocate for the appellant, matter is taken on board for urgent orders.

2 This Appeal from Order is preferred by plaintiff challenging the order dated 26.6.2015 passed by Bombay City Civil Court, Mumbai in draft Notice of Motion declining to grant ad-interim relief.

3 In the present matter, the issue involved is about suspension of the appellant from the membership of the respondent club for three months as per notice dated 14.6.2015.

4 The learned counsel for the appellant submits that he received instructions from the appellant that if Notice of Motion is decided within 15 days from today, they have no objection if the matter is remanded to the Trial Court.

5 Considering the facts and circumstances of the present case and the issue involved in the present matter about suspension of the plaintiff for three months, I am of the opinion that Notice of Motion preferred by appellant be decided within 15 days from today i.e. in any case on or before 31.7.2015.

6 By consent of both the parties, following order is passed:

(a) Appeal from Order stands dismissed as withdrawn.

(b) No order as to costs.

(c) Trial Court is directed to decide Notice of Motion preferred by plaintiff bearing No.2313 of 2015 as early as possible but in any case on or before 31.7.2015

(d) The learned counsel for the respondents submits that they do not want to file any reply. Written Statement filed by them be treated as reply.

(e) Rejoinder, if any, be filed within three days from today and copy be served on the other side.

(f) Appeal from Order stands dismissed as withdrawn.

(g) In view thereof, Civil Application does not survive. The same is also dismissed as infructuous.

Parties to act on authenticated copy of this order.

(K.K.TATED, J.)