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IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION

APPEAL FROM ORDER NO.998 OF 2014
IN
NOTICE OF MOTION NO.3011 OF 2011
IN
SUIT NO.7423 OF 1980

Siraj Ali Noorali	...Appellant
V/s.	
Abu Sufiyan R. Shaikh & Ors.	...Respondents

Mr.R.R. Mishra for the Appellant.

Mr.A.N. Nesorikar for the Respondent No.2-b(c).

CORAM : R.D. DHANUKA, J.
DATE : 16TH NOVEMBER, 2015.

P.C. :-

1. By this appeal the appellant has impugned the order dated 26th June, 2014 passed in the notice of motion which was for an order and direction against the original defendant no.1-b(a) to 1-(b)e to hand over possession of the premises of shops 3 and 4. The notice of motion has been filed in the suit which was of the year 1980. The learned trial Judge has observed that the suit is ready for trial and it is quite old but in view of the notice of motion taken out by the original defendant no.5 (appellant) the suit is not able to be proceeded with.
2. Mr.Mishra, learned counsel for the appellant states that the

chamber summons filed by the original defendant no.1-b(c) for seeking amendment to the written statement is also pending.

3. In my view, the learned trial Judge has rightly rejected the notice of motion and has refused to grant ad-interim relief filed in the year 2011 in the suit of 1980 when the suit itself was ready for hearing. I do not find any infirmity in the impugned order rejecting the notice of motion on the grounds recorded in the impugned order.

4. Insofar as the chamber summons filed by the defendant no.1-b(c) is concerned, the learned trial Judge is directed to dispose of the said chamber summons within three months from the date of the parties producing a copy of this order. The parties are directed to co-operate with each other and with the learned trial Judge in expeditious disposal of the chamber summons as well as the suit. The learned trial Judge shall dispose of the suit within six months after disposal of the chamber summons.

5. The appeal from order is disposed of in aforesaid terms. No order as to costs.

(R.D. DHANUKA, J.)