

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION

Amk

APPEAL FROM ORDER (L) NO. 29857 OF 2015
WITH
CIVIL APPLICATION (L) NO. 29858 OF 2015
IN
APPEAL FROM ORDER (L) NO. 29857 OF 2015

Munir Akbar Khan

.. Appellant

Vs.

Chief Executive Officer,

Aarey Milk Colony, Goregaon & Ors.

.. Respondents

Mr. H. S. Venegavkar for the Appellant.

Mr. Mr. Pushpraj Singh for Respondent Nop.4.

CORAM : **MRS. ROSHAN DALVI, J.**
DATE : **30th OCTOBER, 2015.**

P.C.

1. The question that is decided prima facie in the ad interim order refusing the relief to the plaintiff is in respect of whether the IDBI Bank is a nationalized bank and whether the demand draft of the IDBI Bank can be accepted as sufficient compliance of the tender condition.

2. It is agreed by and between the appellant and respondent No.4 that the trial Court may dispose of the Notice of Motion upon hearing both the parties on this issue. Until that time there shall be an ad interim order in terms of the order of the trial Court dated 28.08.2015 pending the Notice of Motion in the Bombay City Civil Court.

3. The Appeal from Order and the Civil Application are disposed of accordingly.

(ROSHAN DALVI J.)