

IN THE HIGH COURT OF JUDICATURE AT BOMBAY***CIVIL APPELLATE JURISDICTION*****APPEAL FROM ORDER NO. 1137 OF 2014****IN****NOTICE OF MOTION NO. 3402 OF 2012****IN****NOTICE OF MOTION NO. 2002 OF 2013****IN****SUIT NO. 4608 OF 2013****ALONGWITH****CIVIL APPLICATION NO. 1369 OF 2014****IN****APPEAL FROM ORDER NO. 1137 OF 2014****IN****NOTICE OF MOTION NO. 3402 OF 2012****IN****SUIT NO. 4608 OF 2013****ALONGWITH****CIVIL APPLICATION NO. 1249 OF 2015****IN****APPEAL FROM ORDER NO. 1137 OF 2014****IN****NOTICE OF MOTION NO. 2002 OF 2013****IN****SUIT NO. 4608 OF 2013****Mr.Kiran Vasant Dighe****..... Appellant
(Orig.Plaintiff)****VERSUS****Ritesh Thakker & Ors.****..... Respondents
(Ori. Defendants)**

Mr.P.S.Dani, Senior Advocate, a/w. Mr.A.G.Revankar, i/b. A.G.Revankar & Co.
for the Appellant.

Mr.V.A.Thorat, Senior Advocate, i/b. Mr.Piyush Shah for Respondent No.1.

Mr.Vaibhav Patankar for Respondent No.3.

Mr.Dhananjay Pathak for Respondent Nos. 6, 7 and 8.

Mr.Ganesh Bhat for Respondent Nos. 12 to 15.

CORAM : R.D. DHANUKA, J.

DATED : 30th NOVEMBER, 2015

P.C.

Heard learned counsel for parties at length. By consent of the appellant and the contesting respondents, the impugned order passed by the learned trial judge in the notice of motions which are subject matter of the present appeal is set aside. The matter is remanded back to the learned trial judge for disposal of the notice of motions afresh.

2. All contentions of the parties to the proceedings are kept open. The learned trial judge shall hear the notice of motions afresh and shall decide the same on its own merits without being influenced by the observations made and the conclusion drawn in the notice of motions.

3. Since the pleadings filed by both the parties are complete, the learned trial judge shall make an endeavor to dispose of the notice of motions within four months from the date of the parties producing a copy of this order. All parties have agreed to co-operate with each other and with the learned trial judge in expeditious disposal of the notice of motions.

4. The interim orders which were in force in the notice of motions filed by the appellant herein shall continue till disposal of the notice of motions and for a period of three weeks from the date of disposal of the notice of motions. Appeal from order is disposed of in the aforesaid terms. In view of the disposal of the appeal from order, civil applications do not survive and are accordingly disposed of.

[R.D. DHANUKA, J.]