

IN THE HIGH COURT OF JUDICATURE AT BOMBAY***CIVIL APPELLATE JURISDICTION*****APPEAL FROM ORDER (ST) NO. 31240 OF 2015****ALONGWITH****CIVIL APPLICATION (ST) NO.31481 OF 2015****IN****APPEAL FROM ORDER (ST) NO. 31240 OF 2015****Hiteshkumar Bhuralal Jain & Anr.****..... Appellants****VERSUS****Shayarbai wd/o. Nareshkumar Shankarlal Jain
& Ors.****..... Respondents**

Mr.Paritosh Jaiswal, a/w. Mr.Rubin Vakil, i/b. Ashok Purohit & Co. for the Appellants.

Mr.Ashutosh Kaushik, i/b. M/s.Kaushik & Co. for Respondent Nos. 1 and 2.

CORAM : R.D. DHANUKA, J.**DATED : 7th DECEMBER, 2015****P.C.**

By this appeal from order, the appellants (original defendant nos.11 and 12) have impugned the order passed by the learned trial judge granting ad-interim injunction against the appellants from creating third party interest till filing of the reply on the next date. The impugned order is passed on 7th November, 2015. Learned counsel for the original plaintiff states that the learned trial judge has already kept the matter on board for rejoinder and for hearing on 9th November, 2015. Learned trial judge is directed to place the matter on board for hearing on 16th December, 2015 and shall hear the notice of motion even if any rejoinder is filed by the plaintiffs or not. Ad-interim order passed by the learned trial judge on 7th November, 2015 to continue till 18th December, 2015. The learned trial judge

on the date of the hearing of the notice of motion can consider whether to continue the ad-interim order already granted or to vacate it after hearing both the parties. It is made clear that this court has not expressed any views in the matter. All contentions of both the parties are kept open. It is made clear that the learned trial judge shall decide the matter without being influenced by the observations made in the ad-interim order and shall decide the same on its own merits.

2. 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.]