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IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION

APPEAL FROM ORDER NO.1181 OF 2014
IN
NOTICE OF MOTION NO.1688 OF 2007
IN
SUIT NO.5879 OF 2007

WITH
CIVIL APPLAICATION NO.1427 OF 2014
in
APPEAL FROM ORDER NO.1181 OF 2014
IN
NOTICE OF MOTION NO.1688 OF 2007
IN
SUIT NO.5879 OF 2007

M/s.S.S. Constructors	...Appellant
V/s.	
Gorai Mulasi CHS Soc. Ltd.	...Respondent

Mr.Prakash Dhopatkar i/b M/s.Santosh Khatkar for the Appellant.

None for the Respondent.

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

P.C. :-

1. By this appeal, the appellant has impugned the order dated 31st October, 2014 passed by the learned trial Judge refusing to grant any *ad-interim* relief for the reasons recorded in the reasoned order. The learned trial Judge has referred to a letter dated 6th December, 2006 alleged to have been addressed by the original

defendant thereby terminating the agreement entered into with the appellant. Learned counsel for the appellant states that no such letter of termination has been received by the appellant.

2. I do not see any reason to interfere with the *ad-interim* order passed by the learned trial Judge. In my view, the ends of justice would be met if the learned trial Judge is directed to dispose of the notice of motion after the pleadings in the notice of motion are complete. It is made clear that the reasons recorded by the learned trial Judge are tentative. The learned trial Judge shall not be influenced by the observations made in the *ad-interim* order while disposing of the notice of motion.

3. The learned trial Judge is directed to dispose of the notice of motion within six months from the date of the parties producing a copy of this order passed by this Court.

4. The appeal is disposed of in aforesaid terms.

5. In view of disposal of the appeal from order, the civil application does not survive and is accordingly disposed of.

(R.D. DHANUKA, J.)