

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION

APPEAL FROM ORDER st. NO.32409 OF 2015
with
CAA(ST.)/32411/2015

Ishwari Cable Network & Ors. ... Appellants

Vs.

Collector, Nashik & Ors. ... Respondents

a/w
APPEAL FROM ORDER st. NO.32412 OF 2015
with
CAA(ST.)/32413/2015

Shivam Cable Network & Ors. ... Appellants

Vs.

DEN Networks Ltd. & Ors ... Respondents

Mr.Kamal Khata a/w A.Y. Tikekar i/b N.R. Gandhi for the
Appellants/applicants

Ms.Rajmani Varma a/w Ms.Namrata B. i/b Navdeep Vora & Asso.for
Respondent No.3 in AOST/32409/2015 and for Respondent No.1 in
AOST/32412/2015

Ms.Sonu Tandon a/w. Ms.Shamika Kulkarni for Resp. Nos.2 & 4 in
AOST/32409/2015 and for Respondent Nos.2 & 6 in AOST/32412/2015

CORAM: **MRS.MRIDULA BHATKAR, J.**

DATE: **1st DECEMBER, 2015**

P.C.:

1. Learned Counsel for the appellants to remove the office objections.

2. In these appeals, the appellants contend that the defendant / Collector, Nasik has disconnected 1300 cable connections on 13.11.2015. The notices for disconnection are in fact challenged by the appellants before the Civil Judge at Nasik by filing two suits. However, the civil Court did not pass any order but adjourned the matters and gave time to the defendants to file their say. In between, 1300 cable connections were disconnected. It is pointed out by the learned Counsel for the appellants that earlier they had filed Civil Revision application (stamp) No.32348 of 2015 in which this Court on 27.11.2015 passed an order and has expressed that the appellants have remedy under Order 43 of the Code of Civil Procedure. Therefore, these Appeals are filed.

3. The learned Counsel for the appellants submits that they are ready to deposit the amount payable to the defendants at the rates prevailing prior to 31.3.2015.

4. Learned Counsel for respondent / DEN Networks Ltd. opposes the maintainability of this Appeal from Order and submits that the said Respondent has taken a preliminary objection on the point of maintainability before the trial Court and are ready to go ahead with the matter before the trial Court at the earliest.

5. In view of these submissions, it is directed that Respondent/DEN Networks Ltd., the main contesting party, to file reply on or before 3.12.2015 and the learned trial Judge may hear the interim application on 4.12.2015 and decide the same on or before 7.12.2015. The learned trial Judge is at liberty to decide the issue of maintainability while deciding the interim application.

6. Appeals from Order is disposed of accordingly.

7. Civil Applications also stand disposed of.

(MRIDULA BHATKAR, J.)