

VPH

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
ORDINARY ORIGINAL CIVIL JURISDICTION

APPEAL (L) No. 743 OF 2015

IN

SUIT No. 1755 OF 2006

Harish Ramkrishna Prabhu	...	Appellant
Vs.		
Narendra Kumar Ram Achal Sharma & Ors.	...	Respondents

Mr. Rajendra Bhagatjee, for the Appellant.

Mr. Zal Andhyarujina a/w Ms. Krishna Raja i/b LJ Law, for
Respondent Nos. 1 and 2.

Mr. S. S. Deshpande, Court Receiver – present.

CORAM : V. M. KANADE, ACTING C. J. &
REVATI MOHITE-DERE, J.

DATE : DECEMBER 8, 2015

PC.

1. Learned counsel appearing on behalf of the Appellant submits that the Appellant does not wish to press this appeal, in so far as it relates to the challenge to the exparte order, which was passed by the learned Single Judge on 21.12.2011, since he has already preferred Notice of Motion No. 893/2012 for setting aside an exparte decree and the same is pending before the learned Single Judge. He submitted

that order of status-quo may be continued. This request is vehemently opposed by the learned counsel appearing on behalf of Respondent Nos. 1 and 2.

2. We are informed that notice of motion which is filed by Appellant under Order IX, Rule 13 of the C.P.C. is ready for hearing and fixed for hearing by the learned Single Judge on 11th December, 2015 and is listed at Sr. No. 32. We, therefore, request the learned Single Judge to expeditiously dispose of the said motion, on merits and in accordance with law. All contentions of both the parties are kept open. Exparte decree may not be executed till 15.12.2015. Liberty is granted to the Appellant to renew the request of ad-interim relief, if the motion is not heard. Appeal is accordingly disposed of, in the aforesaid terms.

Sd/-

[REVATI MOHITE-DERE, J.]

Sd/-

[ACTING CHIEF JUSTICE]

Vinayak Halemth