

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION
APPEAL FROM ORDER NO.91 OF 2016

1. Eric Parviz Khaver & anr .. Appellants.
vs
1. Manilal Gala & ors Since deceased.
2. Khodadad H.Irani
&
1. Mrs Ruzmani Manilal Gala & ors .. Respondents

Mr.Nainesh Amin for Appellants
Mr.N.C.Parekh a/w Mr.Sunil Vyas,
Mr.NJ.Marvadi i.b Mansukhlal Hiralal & Co
for Respondent no.1

Coram: G.S.KULKARNI, J.
Date : 27th APRIL, 2016.

P. C.

1. Heard learned counsel for the parties.
2. This appeal has been filed challenging the order dated 22nd December, 2015 which was an ad-interim order. By an order dated 11th April 2016 this Court recorded the statement on behalf of learned counsel for the parties that the main notice of motion itself was listed before the City Civil Court on 16th April, 2016 and that notice of motion be proceeded without seeking any adjournment. Learned counsel for the appellants submits that in fact the notice of

motion has been substantially heard even the written submissions on behalf of the appellants and the respondents have been filed.

3. In view of this situation, it is expected that the learned trial Judge, City Civil Court, Mumbai will decide the motion at the earliest. As the notice of motion itself is heard and final orders would be passed, there is no need for this appeal to be kept pending.

4. The apprehension on the part of the appellants that no final orders would be passed on the notice of motion also appears to be quite unfounded as the learned trial Judge as per the appellants' submission, has already heard the arguments and written submissions are placed on record.

5. Appeal is accordingly disposed of. Civil Application No.120 of 2016 also does not survive and is disposed of accordingly.

(G.S.KULKARNI, J)