

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION

APPEAL FROM ORDER NO.204 OF 2015
WITH
CIVIL APPLICATION NO.264 OF 2015
IN
APPEAL FROM ORDER NO.204 OF 2015

Sajid Usman Mansoori and anr Appellants
V/s.

Mrs. Shirin Abdul Hussain
Bhagasarwala and anr Respondents

Mr. Rajesh P. Khobragade, for the Appellants.

CORAM : DR. SHALINI PHANSALKAR-JOSHI, J.

DATE : 29TH AUGUST, 2016.

P.C. :

1. Heard learned counsel for the appellant.
2. This appeal is against the order of refusal of ad-interim relief.
It is submitted by learned counsel for the appellant the Notice of Motion is still pending before the trial Court. Therefore, in my considered opinion, the parties can go before the trial Court and proceed with the hearing of Notice of Motion.
3. At this stage, learned counsel for appellants submits that as defendant -respondent No.1 Shirin Abdul Hussain is 85 years of age, hence hearing of the suit may be expedited.

4. Considering that the Notice of Motion is still pending, parties are at liberty to approach the Trial Court and request the trial Court for expeditious hearing of the suit itself on the ground that one of the party is Senior Citizen of 85 years of age. It would not be proper on the part of this Court to expedite the hearing of the Notice of Motion or suit without knowing the pending file and its calendar, before the learned Judge with whom this matter is seized with.

5. The appeal, therefore, is disposed of with direction to both parties to appear before the trial Court on the date so fixed by the learned Judge, and proceed with the hearing of Motion or suit as may be convenient.

6. If possible the learned trial Court may consider the request of appellant for expeditious hearing of the suit.

7. Appeal is disposed of accordingly.

8. As appeal itself is disposed of, Civil Application No.264 of 2015 being infructuous, is disposed of accordingly.

[DR. SHALINI PHANSALKAR-JOSHI, J.]