

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION
APPEAL FROM ORDER NO. 494 OF 2015 WITH
CIVIL APPLICATION NO.631 OF 2015

Namdeo Sakharam Kadu ...Appellant
vs
M/s Avarsekar & Sons Pvt.Ltd & ors ...Respondents

Mr.R.D.Mishra for the Appellant.

Mr.Ashish Gadgil i/b M/s Vidhi Partners for Respondent no.1.

Mr.Sayli Apte i/b Mr.P.G.Lad for Respondent nos.2 & 3.

CORAM: G.S.KULKARNI, J.

DATE : 20TH APRIL 2016.

P. C.:

1. By this appeal the Appellant challenges the order dated 18th March, 2015 passed by the Learned Judge, City Civil Court, Mumbai, on a draft notice of motion as taken out on behalf of the appellants in S.C.Suit No.683 of 2015 on which an ad-interim relief stands refused.

2. This Appeal from order is pending in this Court since March 2015. There is no ad-interim order passed in this appeal. Learned Counsel for the Appellant makes a statement that now before the trial Court a reply to the notice of motion has been filed on behalf of the respondent/defendant. It is therefore submitted that the appellant would

like to pursue the said notice of motion which is pending before the trial Court. The request is fair and reasonable. In view of this submission, adjudication of the present appeal from order is not necessary.

3. Accordingly, parties shall approach the trial Court with a request for taking up the pending notice of motion for hearing. All contention of the parties on merits are expressly kept open.

4. Needless to observe that the learned trial Judge would decide the notice of motion on its own merits and without being influenced by the observations which are made in the ad- interim order.

5. Appeal from order is accordingly disposed of in the above terms. No order as to costs.

(G.S.Kulkarni, J)