

IN THE HIGH COURT OF JUDICATURE AT BOMBAY  
CIVIL APPELLATE JURISDICTION  
**APPEAL FROM ORDER (St) NO.11350 OF 2016**

Smt B.Sheelarani .. Appellant  
Vs  
People's Education Society ..Respondent.

Mr.V.P.Sawant a/w Mr.Shenoy Prasad  
i/b Mr.Prabhakar Jadhav for Appellant  
Mr.Sanjeev Sawant a/w Ms.Archana Lad,  
Ms.Sheetal Tanpure, Mr.Santosh Wagh  
i/b M/s M.K.Barve & Co for Respondent

**Coram: G.S.KULKARNI, J.**

**Date : 18TH APRIL, 2016.**

**P. C. :**

1. Heard learned counsel for the parties.
2. This appeal arises out of an ad-interim order dated 16<sup>th</sup> March 2016 passed by the learned Judge, City Civil Court at Mumbai. By the impugned order, ad-interim relief has been granted in terms of prayer clauses (a) and (c) of the notice of motion. A grievance is made by the learned counsel for the appellant/defendant that an opportunity to file a reply to the notice of motion ought to

have been accorded to the appellant. It is submitted that impugned order is causing serious prejudice to the appellant in-as-much as the appellant is prevented from discharging duties of her post namely Registrar of the school in question. Learned counsel for the Respondent/Plaintiff has opposed these contentions. He however, submits that the Respondents are not opposed to the notice of motion being finally heard by the trial Court.

3. Having heard learned counsel for the parties, it would be in the interest of justice that parties are heard on the Notice of Motion by the trial Court. Mr.V.P.Sawant learned counsel for the appellant submits that appellant would immediately file a reply-affidavit to the notice of motion before the trial Court. If that be done, in view of peculiar facts and circumstances of the case, it would be appropriate that the trial Court shall endeavour to consider the notice of motion and dispose of the same at the earliest.

4. Liberty to the appellant to approach the learned trial Judge or if the regular Court is not available then before the

appropriate alternate Court which is available. All contentions of the parties are expressly kept open.

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

6. Appeal from Order is accordingly disposed of in aforesaid terms. Civil application also stands disposed of. No order as to costs.

**(G.S.KULKARNI, J)**

