

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
APPELLATE CIVIL JURISDICTION
APPEAL FROM ORDER (ST) NO.13817 of 2016
with
CIVIL APPLICATION (St) No.13818 of 2016

Pankaj Dharamashi Gondalia & anr Appellants
vs
Runwal Homes Pvt.Ltd Respondent

Mr.S.S.Kulkarni i/b Mr.Sachin Chavan for Appellants
None for Respondent

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CORAM: G.S.KULKARNI, J
DATE: 6TH MAY, 2016

P.C.

1. Heard learned counsel for the appellants. Perused the impugned order.

2. By the impugned order the learned trial Judge has simpliciter made the notice of motion returnable on 8th June, 2016. The impugned order does not indicate that the notice of motion in question has been considered for ad interim reliefs as being canvassed by the learned counsel for the appellants. Learned counsel for the appellants submits that there is an extreme urgency in the matter and therefore the notice of motion ought to have been heard for ad-interim reliefs.

3. The submission is quite appropriate. A perusal of the impugned

order shows that the notice of motion has been made returnable on 8th June, 2016, however, if there is urgency, and if the appellant/plaintiff was seeking urgent ad interim reliefs it would have been appropriate for the learned trial Judge to have heard the appellants/plaintiffs in the notice of motion on ad-interim reliefs and pass appropriate orders thereon. The appellants are therefore, at liberty to approach the trial Court and move the notice of motion for such urgent ad interim reliefs.

4. Learned counsel for the appellants has drawn my attention to the orders which are being passed in similar matters where injunction has been granted. It may not be necessary for this Court in this appeal to consider these issues on merits of the matter. All this issues can be gone into at the ad-interim stage.

5. The appellants therefore shall move an urgent application before the learned trial Judge for such ad interim reliefs as they wish to pray for. If such an application is made, the learned trial Judge shall take up the hearing of the notice of motion for ad-interim reliefs.

6. In the light of the above observations and considering the nature

of the impugned order this Appeal from order need not be kept pending and no further adjudication is necessary. It is therefore disposed of with no order as to costs.

7. C.A(St) No.13812 of 2016 does not survive and the same is accordingly disposed of.

Parties to act on an authenticated copy of this order.

G.S.KULKARNI, J

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