

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION
APPEAL FROM ORDER NO.487 OF 2016
ALONGWITH
CIVIL APPLICATION NO.634 OF 2016**

Shri. Pramod Vashudeo Baria .. Appellant/Applicant

Versus

Salim Abdul Shaikh and others .. Respondents

Mr. G. C. Singh a/w Ms. Shweta Singh i/by Shriniwas Singh for the Appellant/Applicant.

Mr. Sanjeev R. Singh a/w Mr. Ritesh Singh for the Respondent Nos.1 to 11.

Mr. Shabbir Kapadia for the Respondent Nos.12 to 14.

**CORAM : R.M. SAVANT, J.
DATE : 29th JUNE 2016**

PC.

1. The above Appeal from Order takes exception to the order dated 06.05.2016 passed by the Learned Judge of the City Civil Court, Borivali Division, Dindoshi, Mumbai. By which order, ad-interim reliefs came to be granted to the Plaintiffs i.e. Respondent Nos.1 to 11. The said ad-interim reliefs granted are in terms of prayer clauses (a) (b) and (e) as mentioned in the draft Notice of Motion. As indicated above, the impugned order has been passed on 06.05.2016 and the Notice of Motion is as yet to be heard finally. The Learned Counsel appearing on behalf of the Appellant i.e. the original Defendant No.1 Mr. G. C. Singh on instructions of the Defendant No.1 who is personally present in Court

states that the Defendant No.1 would be satisfied if the Notice of Motion is directed to be heard and decided within a particular time frame and that the same be decided without being influenced by the impugned order. Though the contentions were sought to be raised in respect of grant of reliefs by way of prayer clause (a), in my view, it is not necessary for this Court to go into the said aspect especially having regard to the fact that the Notice of Motion is pending in the City Civil Court. The Learned Counsel for the Appellant i.e. the original Defendant No.1 states that the Defendant No.1 would file his affidavit in reply within two weeks from date. The Learned Counsel Mr. Shabbir Kapadia appearing for the Respondent Nos.12 to 14 also states that he would file a reply within two weeks. Rejoinder if any to be filed within two weeks thereafter. The Trial Court is directed to hear and decide the Notice of Motion latest by 31.08.2016. The said decision would be rendered by the Trial Court uninfluenced by the impugned order or the findings recorded therein. With the aforesaid directions, the Appeal from Order is accordingly disposed of.

2. In view of the disposal of the Appeal from Order, the Civil Application does not survive and to accordingly stand disposed of as such.

[R.M. SAVANT, J]