

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION
APPEAL FROM ORDER ST. NO.15156 OF 2016
WITH
CIVIL APPLICATION ST. NO.15157 OF 2016**

Arun Shantaram Kelkar & Anr.

..Appellants

Vs.

Sujata Pandya & Ors

..Respondents

Mr. Mohit Jadhav i/b Ms Swati Gautam for the Appellants

Mr. S. Y. Thorat for the Respondents

CORAM : R. M. SAVANT, J.

DATE : 15th JUNE, 2016

P.C.

1 The order dated 17-5-2016 passed by the Learned Judge of the City Civil Court, Mumbai rejecting the application for ad-interim relief, is taken exception to by way of the above Appeal From Order. The said ad-interim relief has been rejected on the ground that a previous Suit being Civil Suit No.686 of 2016 is pending between the same parties and in respect of the same premises. The Learned Counsel appearing on behalf of the Appellant Mr. Jadhav concedes to the position that the said Suit is in respect of the same premises as also between the same parties, but he contends that in the said Suit the principal relief sought is that the Respondents herein should be restrained from entering the suit premises except by due process of law.

2 In the light of the fact that there is a previous Suit between the

same parties in respect of the same premises, the order passed by the Trial Court rejecting the application for ad-interim reliefs in the present Suit being S. C. Suit St. No.5883 of 2016 cannot be faulted with. In my view, therefore, no case for interference is made out. The Appeal From Order is accordingly dismissed.

3 In view of the dismissal of the above Appeal From Order, the Civil Application St. No.15157 of 2016 does not survive and to accordingly stand disposed of as such.

[R.M.SAVANT, J]