

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION**

APPEAL FROM ORDER STAMP NO.18153 OF 2016

ALONGWITH

CIVIL APPLICATION STAMP NO.18157 OF 2016

Aarti Bhavesh Shah and another

.. Appellants

Versus

Dhirajbala Gambhirdas Shah and others

.. Respondents

Mr. Vikhil Dhoka a/w Ms. Shalaka Katdar i/by Solicis Len for the Appellants.

None for the Respondents.

CORAM : R.M. SAVANT, J.

DATE : 19th JULY 2016

PC.

1 The order dated 31.05.2016 passed by the Trial Court refusing to grant ad-interim relief to the Appellants/original Plaintiffs is taken exception to by way of the above Appeal from Order. The said ad-interim reliefs were refused on the ground that the Defendant Nos.1, 3, 4, 5 and 6 were not served with the notice of the matter being moved before the Learned Vacation Judge of the City Civil Court. It seems that thereafter the notices have been served on the Defendants and the Defendant No.2 has also filed his written statement in the suit. Since the Notice of Motion itself is being taken up for hearing, it is not necessary for this Court to

interdict with the impugned order. It is expected of the Trial Court that it would decide the Notice of Motion expeditiously. With the aforesaid observations, the Appeal from Order is dismissed.

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

[R.M. SAVANT, J]