

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION
APPEAL FROM ORDER NO. 642 OF 2016
WITH
CIVIL APPLICATION NO.818 OF 2016**

Varsha Shantilal Shah

..Appellant

Vs.

Mahrugh Homi Golwalla & Anr.

..Respondents

**Mr. S. N. Vaishnawa a/w Ms Nupur Mukherjee i/b M/s. N. N. Vaishnawa
for the Appellant**

Mr. V. K. Singh for the Respondent Nos.1 and 2

CORAM : R. M. SAVANT, J.

DATE : 21st JULY, 2016

P.C.

1 The above Appeal From Order takes exception to the order dated 20-6-2016 whereby ad-interim reliefs have been refused to the Appellant / original Plaintiff and the Notice of Motion has been adjourned to 4-8-2016 for reply to be filed on behalf of the Defendants.

2 Having regard to the fact that the Notice of Motion has been kept on 4-8-2016, it is not necessary for this court to interdict with the impugned order. In my view, since the Suit in question is filed under Order 37 of the Civil Procedure Code, the interest of justice would be served if the following directions are issued:

(i) The Respondents herein i.e. the Defendants would file their affidavit in reply on 4-8-2016 when the matter is to appear before the Trial Court. If the matter does not appear before the Trial Court on the said day, the Learned Advocate for the Plaintiff is at liberty to mention the Notice of Motion and get it placed on an appropriate date having regard to the outer limit that is being fixed by this Court for the disposal of the Notice of Motion.

ii) The rejoinder if any to be filed by the Plaintiff within one week after the affidavit in reply is received from the Defendants.

iii) The Trial Court is directed to hear and decide the Notice of Motion latest by 31-8-2016.

iv) Needless to state that the contentions of the parties have not been dealt with and are kept open for being urged before the Trial Court.

3 The Appeal From Order is accordingly disposed of.

4 In view of the disposal of the Appeal From Order, the Civil Application No.818 of 2016 does not survive and to accordingly stand disposed of as such.

[R.M.SAVANT, J]