

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

Amk

**APPEAL FROM ORDER NO. 341 OF 2016
WITH
CIVIL APPLICATION NO. 442 OF 2016**

Smt. Tulsibai sd/o. Shankar Warli & Ors. .. Appellants/Applicants
Vs.
Arjun Malji Vaijal & Ors. .. Respondents

Mr. Abhay L. Patki for the Appellants.
Mr. Sanjay A. Savant for Respondent No.1.

CORAM : DR. SHALINI PHANSALKAR-JOSHI, J.
DATE : 15th OCTOBER, 2016.

P. C. :

1. This appeal is preferred against the order dated 26.06.2015 passed by the City Civil Court, Borivali Division at Dindoshi, Mumbai in Notice of Motion No. 1854 of 2015 in Suit No. 1636 of 2015. By the impugned order, the Trial Court has refused the ad interim relief.

2. It is submitted by the learned counsel for both the parties that the Notice of Motion is still pending in the Trial Court, the respondent herein have filed reply to the said Notice of Motion and hence, hearing of the Notice of Motion can be taken over by the Trial Court expeditiously.

3. Learned counsel for the respondent also submits that the respondent had preferred an application in the Trial Court under Order 7 Rule 11 of the Civil Procedure Code bearing Notice of Motion No. 3018 of 2015 and it may also be heard as expeditiously as possible.

4. Accordingly, the appeal is disposed of with direction to the Trial Court to hear both these Notices of Motion as expeditiously as possible.

5. All the contentions raised by the parties are expressly kept open and needless to state that the Trial Court is not to be influenced of any observation made by it in its earlier order rejecting ad interim relief.

6. In view of the disposal of the appeal, the civil application does survive and hence stands disposed of.

[DR. SHALINI PHANSALKAR-JOSHI, J.]