

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

**APPEAL FROM ORDER (L) NO.20740 OF 2016
WITH
CIVIL APPLICATION (L) NO.20742 OF 2016
IN
APPEAL FROM ORDER (L) NO.20740 OF 2016**

Indubhai Manilal Shah & Anr.	...Applicants
v/s	
Varsha Harshad Dholakia & Ors.	...Respondents

Mr. Bhavin Gada i/b Mr. Hardik J. Desai for the Appellants.
Mr. Harish Bhatia for Respondent No.1.

**CORAM: G.S.KULKARNI, J.
DATE: 29th NOVEMBER, 2016.**

P.C.:-

. The Appeal is directed against an order dated 4/11/2015 passed by the learned Trial Judge, City Civil Court, Dindoshi restraining the parties from opening the locker in Bank of Baroda(Defendant No.2) till filing of reply and hearing of Notice of Motion.

2. It is stated that the replies are already filed to the Notice of Motion and the pleadings are almost completed. It is further stated that after the impugned ad-interim order dated 4/11/2015 was passed nothing has progressed.

3. In the circumstances, there is no point in keeping this appeal pending and it would be appropriate that the parties approach the Trial Court. The parties may request the learned Trial Judge for early hearing of the Notice of Motion which shall be

considered by the learned Trial Judge on its own merits.

4. All contentions of the parties on merit are expressly kept open.

5. Appeal is accordingly disposed of with liberty as observed above. In view of disposal of the Appeal, Civil Application No.20742/2016 does not survive and is accordingly disposed of.

(G.S.KULKARNI, J.)