

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

Amk

APPEAL FROM ORDER NO. 832 OF 2016

Rays House Co-operative Housing Society Ltd. & Anr. .. Appellants
Vs.

Mrs. Hema Daljit Chadha & Ors. .. Respondents

**WITH
CIVIL APPLICATION NO. 1037 OF 2016
IN
APPEAL FROM ORDER NO. 832 OF 2016**

Mr. J. S. Reen, The Chairman
Rays House Co-operative Housing Society Ltd. & Anr. .. Applicant

In the matter between

Rays House Co-operative Housing Society Ltd. & Anr. .. Appellants
Vs.

Mrs. Hema Daljit Chadha & Ors. .. Respondents

Mr. Rajesh G. Singh i/b Legal Liaisons for the Appellant/Applicants.
Mr. S. K. Sonawane for the Respondent Nos.2 to 4.

**CORAM : DR. SHALINI PHANSALKAR-JOSHI, J.
DATE : 6th SEPTEMBER, 2016.**

P. C. :

1. Heard learned counsel for the appellants and respondent.
2. This appeal is preferred by original respondent Nos.4 to 7, Co-operative Housing Society challenging the order dated 03.08.2016 passed by the City Civil Court at Dindoshi, Mumbai thereby allowing the ad interim relief as claimed by the plaintiff in Suit No.2094 of 2016 thereby restraining the Municipal Corporation from implementing its order dated

21.07.2016 till the decision of the Notice of Motion.

3. It is submitted that the appellants and respondent-Corporation have yet not filed reply to the said Notice of Motion. In view thereof, it would be just and proper to direct the parties to go and agitate and proceed with the hearing of the Notice of Motion itself before the Trial Court after raising their respective contentions in their reply to the said Notice of Motion.

4. As to the grievance of the learned counsel for the appellants that the Trial Court has already expressed its opinions, needless to state that those opinions or views expressed by the Trial Court will influence or sphere the Trial Court at the time of deciding the Notice of Motion. All the contentions of all the parties are left open to be decided by the Trial Court at the time of deciding the Notice of Motion. Both the parties are directed to appear before the Trial Court on the fixed date i.e. on 10.10.2016 and to file their reply to the Notice of Motion. The Trial Court to decide the Notice of Motion as early as possible before 30.10.2016.

5. In view of the above directions, the Appeal is disposed of accordingly.

6. In view of the disposal of the appeal, the civil application does not survive and disposed of accordingly.

[DR. SHALINI PHANSALKAR-JOSHI, J.]