

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION

APPEAL FROM ORDER (STAMP) NO.24914 OF 2016
ALONG WITH
CIVIL APPLICATION (STAMP) NO.24916 OF 2016

Sunil Kumar Kapur S/o. Rajkumar Kapur Appellant / Applicant
V/s.
Sushil Rajkumar Kapur & Ors. Respondents

Mr. J.S. Chandnani for the Appellant-Applicant.

Mr. J.P. Navlani, i/by Mr. Kusumakar Kaushik, for Respondent No.1.

Ms. Pooja Karadia, i/by M/s. Nahush Shah Legal, for Respondent Nos.2, 4 and 8.

CORAM : DR. SHALINI PHANSALKAR-JOSHI, J.

DATE : 27TH SEPTEMBER 2016.

P.C. :

1. Heard learned counsels for the parties.
2. This Appeal is preferred against the refusal of the ad-interim relief, as sought by the appellant, by the impugned order of the City Civil Court, Mumbai dated 5th August 2016 passed in Notice of Motion (Lodging) No.10135 of 2016.
3. It is common ground between the parties that the Notice of Motion is yet not decided and it was kept for filing of reply on 16th September

2016. In view thereof, the best course would be to direct the parties to appear before the Trial Court itself and to proceed with the hearing of the Notice of Motion, as, till today, reply to the said Notice of Motion is not filed by the respondents herein and now they undertake to file reply.

4. In view thereof, the respondents are directed to file their reply, if any, within a period of three weeks from today and thereafter the Trial Court to decide Notice of Motion (Lodging) No.10135 of 2016, pending before it, as expeditiously as possible and preferably on or before 25th November 2016.

5. The Appeal stands disposed of in the above terms.

6. In view of the above, Civil Application (Stamp) No.24916 of 2016 pending in this Appeal no more survives and the same stands disposed of accordingly.

[DR. SHALINI PHANSALKAR-JOSHI, J.]