

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

APPEAL FROM ORDER NO.89 OF 2016

Shri. Purushottam Shriram Tambe

.. Appellant

Versus

Dipti Sadanand Shriyan and others

.. Respondents

Mr. N. S. Nevshe for the Appellant.

Mr. A. L. Gore for the Respondent No.3.

CORAM : R.M. SAVANT, J.

DATE : 12th JULY 2016

PC.

1 The above Appeal from Order is directed against the order dated 17.08.2015 by which order the Trial Court has passed an order to the following effect :-

“Notice of Motion No.1552 of 2015 is hereby filed. However, the plaintiff would have liberty to file subsequent motion at relevant stage. Accordingly, Notice of Motion No.1552 of 2015 is disposed of.”

2 The Notice of Motion in question was filed by the Appellant/ original Plaintiff for police assistance to implement the order dated 15/16.04.2015 and for detention of the Defendant No.3 in the civil prison. The Trial Court i.e. the Learned Judge of the City Civil Court did not deem it appropriate to grant the said reliefs in view of the fact that the said

order dated 15/16.04.2015 was challenged by the Defendant No.3 by way of Appeal from Order No.771 of 2015 and in view of the fact that the said Appeal from Order was pending in this Court. Since the said Appeal from Order No.771 of 2015 has been dismissed by this Court by an order passed today, the Appellant/original Plaintiff would be at liberty to file a fresh application for the relief sought vide Notice of Motion No.1552 of 2015. If any such application or Notice of Motion is filed, needless to state that the Trial Court to dispose of the same expeditiously and not later than four weeks of the filing of the said application. With the aforesaid directions, the Appeal from Order is disposed of.

[R.M. SAVANT, J]