

IN THE HIGH COURT OF JUDICATURE AT BOMBAY***CIVIL APPELLATE JURISDICTION*****APPEAL FROM ORDER NO. 1224 OF 2015****ALONGWITH****CIVIL APPLICATION NO.1553 OF 2015****ALONGWITH****CIVIL APPLICATION NO. 1552 OF 2015****Smt.Anusayabai Maruti Jitekar & Ors.****..... Appellants****VERSUS****M/s.Prathmesh Infrarealty Pvt. Ltd. & Ors.****..... Respondents**

Mr.G.R.Joshi, Senior Advocate, a/w. Mr.P.S.Dani, Senior Advocate, Mr.Jai Chhabria, Mr.Rohan Sawant, i/b. Keystone Partners for the Appellants.

Mr.P.K.Dhakhephalkar, Senior Advocate, a/w. Mr.Chintan Shah, i/b. Mr.Sandesh Patil for the Respondent no.1.

Mr.Kamlesh Ghumre, a/w. Ms.Supriya Ghadge for the Respondent nos. 2 to 4.

CORAM : R.D. DHANUKA, J.**DATE : 30th NOVEMBER, 2016****P.C.**

By consent of parties, following order is passed :-

(a) Impugned order dated 23rd July, 2015 passed by the learned Civil Judge, Senior Division, Panvel is treated as an ad-interim order in the application (Ex.5) filed by the original plaintiffs.

(b) The appellants (original defendants) are at liberty to file an application in the said application (Ex.5) before the learned trial judge for production of the additional documents. If any

such application is filed by the appellants (original defendants), the same shall be disposed of on its own merits before passing any final order. If any such application is filed by the appellants, the original plaintiffs would be at liberty to oppose the said application including the maintainability thereof.

(c) Ad-interim order passed by the learned trial judge dated 23rd September, 2015 which is to be treated as ad-interim order to continue till disposal of the application (Ex.5).

(d) The learned trial judge shall make an endeavour to dispose of the said application expeditiously and not later than four months from the date of the first hearing.

2. Appeal from order is disposed of in the aforesaid terms. No order as to costs.

3. In view of disposal of the appeal from order, Civil Application Nos. 1553 of 2015 and 1552 of 2015 do not survive and are accordingly disposed of.

(R.D.DHANUKA, J.)