

IN THE HIGH COURT OF JUDICATURE AT BOMBAY***CIVIL APPELLATE JURISDICTION*****APPEAL FROM ORDER (ST) NO. 31157 OF 2015****ALONGWITH****CIVIL APPLICATION (ST) NO.32928 OF 2015****IN****APPEAL FROM ORDER (ST) NO. 31157 OF 2015****Smt.Reshma Madandas Gulwani & Ors.****..... Appellants****VERSUS****M/s.ANR Realty Pvt. Ltd. & Anr.****..... Respondents**

Mr.Devendra Singh for the Appellants.

Mr.Sunil Ghatge for Respondent No.2.

CORAM : R.D. DHANUKA, J.**DATED : 8th FEBRUARY, 2016****P.C.**

Learned counsel appearing for the appellants (original plaintiffs) states that no reliefs are claimed against the respondent no.1. Learned counsel invited my attention to the impugned order dated 6th November, 2015 passed by the learned trial judge and would submit that though the representative of the defendant no.2 had appeared before the learned trial judge and had not made any grievance of short service of proceedings, the learned trial judge has rejected the ad-interim relief.

2. Learned counsel appearing for the respondent no.2 states that he has no objection if the impugned order dated 6th November, 2015 is set aside and the matter is remanded back to the learned trial judge for consideration of the ad-interim relief denovo. Statement is accepted.

3. By consent of appellants and respondent no.2, impugned order dated 6th November, 2015 is set aside. The learned trial judge shall consider an application of the appellants for grant of the ad-interim relief on its own merits. It is made clear that this court has not expressed any views on the merits of the matter. The learned trial judge shall not be influenced by the observations made by the learned trial judge in the impugned order and shall decide the matter afresh in accordance with the law.

4. Appeal from order is disposed of in the aforesaid terms. In view of disposal of the appeal from order, civil application does not survive and is accordingly disposed of. No order as to costs.

5. The appellants would be at liberty to make an application for ad-interim relief after giving 48 hours notice to the respondents.

[R.D. DHANUKA, J.]