

Sequeira

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

*CIVIL APPLICATION NO. 1576 OF 2013
IN
APPEAL FROM ORDER (St.) NO. 33120 OF 2013*

Sumedh Ramesh Chaudhari .. Applicant / Appellant
Vs.
Kanchan Sagarmal Jain & ors. .. Respondents

None for the Applicant / Appellant.
Mr.A.S.Singh, for Respondent No.4.

***CORAM: N.M. JAMDAR, J.
Saturday, 02 April 2016.***

P.C.:

Civil Application is taken out for condonation of delay of 62 days in filing the Appeal from Order. Notice has been issued in this Civil Application on 20 January 2014. Thereafter fresh notice was issued against Respondents. The Applicant had taken steps to serve the Respondent No.1, on 5 December 2014. The conditional order was granted on 19 January 2015. No steps have been taken to serve Respondent No.1 and the Application has been dismissed as against Respondent No.1.

2. The Appeal challenges the order passed by the City Civil Court rejecting ad-interim relief against Respondent No.4 for not to create third party rights. The learned City Civil Court Judge had adjourned the Notice of motion to 5 September 2013. From 22 August 2013, there is no ad-interim relief in favour of the

Applicant. In the circumstances, even if the Application is to be allowed and the Appeal is to be taken up for consideration on merits the appropriate order to be passed is to give liberty to the Applicant to make appropriate application for taking up the notice of motion for consideration early. In the circumstances, no useful purpose will be served by keeping the Civil application and the Appeal from order pending on the file of this Court. Civil Application is accordingly rejected. The Applicant is at liberty to make appropriate application for taking up the Notice of motion for hearing at an early date, if not already disposed of.

(N.M.Jamdar, J.)