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IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION

APPEAL FROM ORDER NO.667 OF 2015
WITH
CIVIL APPLICATION NO.818 OF 2015

Dumubai Co-Op. Hsg. Soc. Ltd.	...Appellant
V/s.	
Peter John D'Souza & Ors.	...Respondents

Mr.V.J. Mehta i/b Vaibhav Mehta & Associates for the Appellant.

Mr.Mayur Khandeparkar i/b Lilani Shah & Associates for the Respondent Nos.1 and 2.

Mr.Anuj Narula i/b Jhangiani Narula & Associates for the Respondent N.3.

Mr.A.V. Diwate for the Respondent No.4 – B.M.C.

CORAM : R.D. DHANUKA, J.
DATE : 1ST FEBRUARY, 2016.

P.C. :-

1. By this appeal from order, the appellant has impugned the *ad-interim* order dated 20th November, 2013 passed by the learned trial Judge refusing to grant *ad-interim* relief which was pressed by the appellant in terms of prayer clauses (a), (c) and (f). Admittedly there is no ad-interim relief granted by this Court in this appeal against the said order dated 20th November, 2013.

2. In my view since there is no ad-interim relief granted by

this Court against the order dated 20th November, 2013 and since such order is in force till date, it would be appropriate if the notice of motion itself is heard finally at the earliest.

3. If the defendants have not filed any affidavit in reply to the notice of motion, the defendants are directed to file the affidavit in reply within two weeks from today and shall serve a copy thereof upon the learned advocate for the plaintiff simultaneously. The plaintiff is permitted to file re-joinder within two weeks from the date of service of the affidavit in reply.

4. The learned trial Judge shall make an endeavor to dispose of the notice of motion within six months from the date of the parties completing their pleadings. It is made clear that the observations made by the learned trial Judge are *prima-facie*. The learned trial Judge shall dispose of the notice of motion on its own merits and without being influenced by the observations made by the learned trial Judge in the impugned order dated 20th November, 2013.

5. Hearing of the suit is expedited. The learned trial Judge shall make an endeavor to dispose off the suit within two years from the date of the written statement of the defendants being taken on record.

6. The appeal from order is accordingly disposed of in

aforesaid terms. It is made clear that this Court has not expressed any views on the merits of the matter. All the contentions of the parties are kept open.

7. In view of the disposal of the appeal from order, the civil application does not survive and is accordingly disposed of. No order as to costs.

(R.D. DHANUKA, J.)