

**FARAD CONTINUATION SHEET
IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE SIDE JURISDICTION**

**APPEAL FROM ORDER (ST) NO.34712 OF 2016
WITH
CIVIL APPLICATION (ST) NO.34713 OF 2016
IN
APPEAL FROM ORDER (ST) NO.34712 OF 2016**

Office Notes, Office Memoranda of Coram, Appearances, court's orders or directions and Registrar's orders	Court's or Judge's orders
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Mr. Girish Godbole a/w Mr. Tejesh Dande a/w Mr. Dhongte a/w Mr. Abhang a/w Mr. Bharat Gadhavi a/w Mr. Akshay Tapkir i/b Tejesh Dande & Associates for the Appellant.

**CORAM : A.S.OKA AND
ANUJA PRABHUDESSAI,JJ.
DATE : DECEMBER 19, 2016.**

PC.:

. Not on board. Taken on board.

2. Heard learned counsel for the Appellant. He states that this Appeal is filed under section 13 of the Commercial Courts, Commercial Division and Commercial Division of High Courts Act, 2015. Perused the impugned order dated 14/12/2016. The learned Judge of the Commercial Court has not rejected the prayer made by the Appellant/Plaintiff for grant of ad-interim relief. He has recorded a finding that the facility granted to the Appellant/plaintiff has been withdrawn for last more than 4 months. What he has observed is that it is necessary to follow rule of prudence and issue notice to the Respondent/Defendant for the purpose of considering the prayer for

grant of ad-interim relief. In fact, notice has been made returnable on 22/12/2016. There is nothing wrong with the said approach.

3. Learned counsel appearing for the Appellant submits that a workable solution can be found. The suggestion made by him across the bar was not made before the learned Judge of the Commercial Court as can be seen from the impugned order. We are not inclined to entertain the Appeal as there is no adverse order passed against the Appellant. Therefore, no case is made for interference at this stage.

4. Learned counsel appearing for the Appellant expressed an apprehension that the prayer for ad-interim will not be heard for one reason or the other. We find that as of today, there is no basis for such apprehension. Accordingly, Appeal is dismissed. The pending Civil Applications do not survive. All contentions of the parties on merits are kept open.

(ANUJA PRABHUDESSAI,J)

(A.S.OKA,J.)