

VPH

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
ORDINARY ORIGINAL CIVIL JURISDICTION

APPEAL (L) No. 36 OF 2015
IN
NOTICE OF MOTION No. 1589 OF 2014
IN
SUIT No. 1008 OF 2014
WITH
NOTICE OF MOTION (L) No. 93 OF 2015

Swami Developers ... Appellants /Applicants
Vs.
Deepak Uttamchand Gandhi & Ors. ... Respondents

Mr. P. K. Dhakephalkar, Sr. Counsel i/b Utangale & Co. for the
Appellants / Applicants.

Mr. Venkatesh Dhond, Sr. Counsel a/w Birendra Saraf, Aditya
Shiralkar i/b Narayanan & Narayanan, for the Respondents.

CORAM : V. M. KANADE, &
REVATI MOHITE DERE, JJ.

DATE : FEBRUARY 15, 2016

PC.

1. Since the ad-interim order is in operation for the past one and half years, instead of hearing this appeal against the impugned order, in our view, it would be advisable to expedite hearing of the motion. In fact, we are told that motion is likely to come up for final

disposal in the next week. Under the circumstances, therefore, appeal is disposed of for the aforesaid reasons, since we do not think it appropriate to interfere with the ad-interim order, which was passed by the learned Single Judge. However, it is clarified that all the contentions raised by both the parties in this appeal are kept open. It is also clarified that we have not gone into merits of the matter. Learned Single Judge shall decide the motion on merits and in accordance with law, uninfluenced by the observation made by him while granting ad-interim relief in favour of the Respondents. Appeal is accordingly disposed of in the aforesaid terms.

2. In view of disposal of the appeal, Notice of Motion (L) No. 93 of 2015 filed therein does not survive and is accordingly disposed of.

Sd/-
[REVATI MOHITE DERE, J.]

Sd/-
[V. M. KANADE, J.]

Vinayak Halemth