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

***APPEAL NO.540 OF 2015
IN
NOTICE OF MOTION NO.383 OF 2013
IN
SUIT NO.80 OF 2013***

Lekhi Forgings Private Limited	...Appellant
Versus	
Virendra K. Dayal	...Respondent

Mr.Shailendra Mishra i/b ARM Legal, for the Appellant

Mr.Sunil Patel, for the Respondent.

***CORAM : V.M.KANADE, ACTING C.J &
REVATI MOHITE DERE, J.***

DATE : 18th JANUARY, 2016

P.C. :

1. The appellant is aggrieved by an order passed by the learned Single Judge refusing to grant any interim relief in the Notice of Motion taken out by the appellant/plaintiff.

2. The plaintiff filed a suit for specific performance of a

Memorandum of Understanding dated 15th May, 2012. According to the plaintiff there was an agreement between the parties and the defendant/respondent agreed to convey the flat in favour of the appellant for a total consideration of Rs.2,42,00,000/-. The appellant paid an amount of Rs.1,00,000/- under the agreement. The parties were supposed to follow certain conditions mentioned in the Memorandum of Understanding.

3. The learned counsel appearing on behalf of the appellant submitted that the appellant was ready to pay the entire amount of Rs.2,42,00,000/-. It is submitted that the plaintiff was entitled to seek ad-interim relief as prayed by him in the Motion.

4. We have gone through the impugned order passed by the learned Single Judge. In our view the learned Single Judge has rightly come to a *prima-facie* conclusion that there was no concluded contract and therefore refused to grant any ad-interim relief.

5. We are not inclined to interfere with the order passed by the learned Single Judge. Hence, the appeal is dismissed. Hearing of the suit is

expedited.

6. At this stage, learned counsel appearing on behalf of the appellant seeks continuation of the ad-interim relief. The same is declined.

REVATI MOHITE DERE, J.

ACTING CHIEF JUSTICE.