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

WRIT PETITION (L) NO. 1390 OF 2016

New Sterling Centre Commercial
Premises Co-operative Society Ltd. ...Petitioner

Vs.

M/s. Acrow India Ltd. & Ors. ...Respondents

Mr. S. M. Gorwadkar a/w. Mr. N.A. Mogre,
Advocate for the Petitioner

Mr. N.Bhadrashetye a/w. Haresh Shivdasani,
Advocate for Respondent Nos. 2 & 3

Mr. Swapnil Gupte i/b. Hariani & Co., for Respondent No.1

**CORAM : M.S. KARNIK, J.
DATED : 18th MAY,2016
(VACATION COURT)**

PC. :

Heard.

1. According to the learned Senior Counsel for the Petitioner the repair work in the suit flat is proceeding at a Brisk pace. If the appeal is not heard and/or if the interim relief application filed by the Petitioner before the Co-operative Appellate Court is not heard expeditiously, the Appeal will become infructuous and therefore, the Appellate Court was not justified in rejecting the request of the

Petitioner for hearing of the interim relief application, is the submissions of the Petitioner.

2. The learned Counsel for the contesting Respondent Nos. 2 and 3 does not have a serious objection to the hearing of the application for the interim relief by the Co-operative Appellate Court expeditiously.
3. Accordingly the Petitioner submits that he will move the Co-operative Appellate Court for the grant of ad-interim/interim relief in the pending Appeal on 20th May, 2016 between 11.00 and 11.30 a.m. The contesting Respondent Nos. 2 and 3 undertakes to remain present on 20th May, 2016 before the Co-operative Appellate Court to oppose the application for grant of Interim Relief.
4. If the Petitioner moves the Co-operative Appellate Court on 20th May, 2016, the Appellate Court is requested to consider the application for grant of ad-interim/interim reliefs on its own merits and in accordance with law. I have not

expressed any opinion on the merits of the matter. All contentions are kept open. The Writ Petition is disposed off.

(M.S. KARNIK, J.)