

VPH

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

APPEAL No. 44 OF 2016
IN
NOTICE OF MOTION No. 476 OF 2015
IN
SUIT No. 668 OF 2014

Value Plus Commodities Pvt. Ltd. ... Appellant
Vs.
Bridget Souto ... Respondent

Mr. Sudip Sen i/b Sutapa Saha, for the Appellant.
Ms. Bridget Souto, the Respondent.

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

DATE : NOVEMBER 23, 2015

PC.

. The Appellant is challenging the ad-interim order passed by the learned Single Judge, dated 19th August, 2015. By the said order, notice of motion filed by the Appellant seeking direction from the Court to direct the Respondent to pay the arrears of maintenance, which is payable to the Society, was disposed of, in view of the statement made by the Respondent that she has paid the maintenance charges. According to the Appellant, later on it transpired that she has

paid 66% of the maintenance charges, and not the entire arrears to the Plaintiff. However, in view of the statement made by her that she had paid the maintenance charges, the motion itself was disposed of. We are of the view that instead of keeping the appeal pending, it would be appropriate if the impugned order is set aside and the notice of motion to be heard, so that this issue - whether the entire arrears are paid or not, vsn be decided in the motion. Impugned order is, therefore, set aside. However, it is clarified that the Defendant shall not alienate, encumber, transfer, create any third party right or part with possession of the suit flat during pendency of the suit. This injunction shall continue during pendency of the suit. The learned Single Judge shall decide the issue - whether entire arrears are paid or not. Appeal, therefore, is allowed and disposed of in the aforesaid terms. We request the learned Single Judge to dispose of the motion expeditiously.

Sd/-

[REVATI MOHITE DERE, J.]

Sd/-

[V. M. KANADE, J.]

Vinayak Halemath