

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION
APPEAL FROM ORDER NO. 662 OF 2015
WITH
CIVIL APPLICATION NO. 812 OF 2015

Shri.Shrenik Hasmukh Mehta (HUF) .. Appellant/ Applicant

vs.

Shri. Gulam D. Parkar .. Respondent

Ms Sapna P i/b. Mr. B.R. Bhatia for the Appellant.

Mr. Nagendra S. Dube for the Respondent.

CORAM : M. S. SONAK, J.

DATE : 20 MARCH 2017.

P.C. :-

1] The challenge in this appeal is to the order dated 24 December 2014, by which, learned Trial Judge has declined the ad-interim reliefs.

2] On 16 July 2015, this court made the following order:

“ Not on board. At the request of Advocate for the appellant, matter is taken on board for urgent orders.

2 This Appeal from Order is preferred by the plaintiff challenging the order dated 24.12.2014 passed by Bombay City Civil Court, Mumbai in draft Notice of Motion in suit no. 2977 of 2014 declined to grant ad-interim relief.

3 It is to be noted that the present Appeal from Order filed in January 2015. Now the appellant moved for urgent order in July 2015. This itself shows that there is no urgency in the present matter.

4 Hence, at present ad-interim refused.

5 Office is directed to place the matter on board as per CMIS date.

6 Liberty granted to the appellant to file additional compilation of documents in the Registry and serve the copy on other side.”

3] Learned counsel for the parties are not clear as to whether, as of now the notice of motion has been disposed of. Since the notice of motion was taken out in the year 2014, it can be reasonably expected that such notice of motion must have been disposed of. In any case, if the notice of motion is pending, learned Trial Judge to dispose of the notice of motion on its own merits and in accordance with law, within a period of 8 weeks from today.

3] The parties are granted two weeks time to file a reply/rejoinder from today, in case, the same has not yet been filed before the learned Trial Judge.

4] The appeal is disposed of in the aforesaid terms.

5] Upon disposal of the main appeal, the civil application seeking stay does not survive and the same is also disposed of.

(M. S. SONAK, J.)

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