

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION
APPEAL FROM ORDER NO. 908 OF 2016

Aslam K. Merchant .. Appellant
vs.
Mr. Ashraf Saudagar Kasam Merchant .. Respondent

Mr. Aslam K. Merchant, Appellant in person.
Mr. D.S. Sabnis for the Respondent.

CORAM : M. S. SONAK, J.
DATE : 22 FEBRUARY 2017.

P.C. :-

1] Heard Mr. Aslam Merchant, the appellant in person. Mr. D.S. Sabnis, learned counsel for the respondent.

2] Since it was represented that there is a wedding in the family, certain ad-interim directions were issued on 17 January 2017. Some of the ad-interim directions were directed to continue until further orders.

3] The wedding has taken place. There are some complains about non-compliance. However, learned counsel for the respondent states that the complains are not proper. At this stage, it is not appropriate to go into such issues.

4] Learned counsel for the respondent also pointed out that the Small Causes Court has made a detailed order after hearing the parties and such order will also impact upon the decision as to which of the guest should be permitted access or not. Again, for the order which is now proposed to be made, it is not necessary for this court, at this stage, to advert such order. Now that the immediate issue of wedding and the access to guest stand concluded, there is no reason

to let this appeal be pending in this court. Whatever issues whether final or interim, the parties were always be granted liberty to move the Trial Court, which shall be in a better position to adjudicate them after hearing the parties in sufficient details. The ad-interim orders granted by this court are continued for a period of ten weeks from today. In the meanwhile, both the parties shall be at liberty to file appropriate applications before the Trial Court and seek orders thereon. Learned Trial Judge shall be at liberty to dispose of such applications on their own merits and in accordance with law. Learned Trial Judge shall take into consideration the grievances of the appellant as also the respondent. The contentions with regard to impact of the order made by the Small Causes Court will also be considered by learned Trial Court. Such application, as and when made, will be disposed of without being influenced by any of the observations made in the impugned order or for that matter in the ad-interim orders made by this Court. All such observations are only *prima facie* and therefore, they need not be considered at the stage of fresh disposal of the civil application. This appeal is accordingly, disposed of with aforesaid directions. There shall be no order as to costs.

5] The parties are at liberty to move learned Trial Court for appointment of a suitable Mediator, so that the disputes between them are sorted out in an amicable manner, if possible. This court also expresses hope that the disputes, which are between the brothers are sorted out in an amicable manner, as this would be best way manner of honouring memory of their late father.

(M. S. SONAK, J.)