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**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION
APPEAL FROM ORDER NO. 389 OF 2015
WITH
CIVIL APPLICATION NO. 503 OF 2015**

JV Constructions & Developers, through its Partner ...Appellant

Versus

Rajendra Chimanlal Patni & Anr ...Respondents

**APPEAL FROM ORDER NO. 390 OF 2015
WITH
CIVIL APPLICATION NO. 504 OF 2015**

JV Constructions & Developers, through its Partner ...Appellant

Versus

Hitesh Chimanlal Shah & Anr ...Respondents

**APPEAL FROM ORDER NO. 391 OF 2015
WITH
CIVIL APPLICATION NO. 505 OF 2015**

JV Constructions & Developers, through its Partner ...Appellant

Versus

Naresh Chimanlal Shah & Anr ...Respondents

Mr S Murthy, i/b Savina S Bangera, for the Appellant all AOs &

Applicant in All CAAs.

Mr AR Mishra, for Respondent No. 1 in AO/390/15.

Mrs MS Bhoir, for Respondent No. 2-MCGM in AO/390/15.

Mr JA Udaipuri, i/b Udaipuri & Co., for Respondent No. 1 in all CAAs.

CORAM: G.S. PATEL, J

DATED: 27th June 2017

PC:-

1. The order under Appeal is of 18th February 2015. The Notices of Motion are pending. In the meantime, these Appeals were admitted on 10th March 2015, and the operation and implementation of the order under challenge was stayed.

2. At this stage, no useful purpose will be served by considering on merits these Appeals against an ad-interim order after the passage of over two years. These issues are best fully decided in the Notices of Motion after all filings are complete.

3. In my view, the appropriate course will be to dispose of the Appeals from Order by requesting the Trial Court to dispose of the Notices of Motion at the earliest possible and preferably before 6th October 2017.

4. Parties will appear before the Trial Court on 10th July 2017 and will obtain directions for the completion of all filings of replies and rejoinders and for fixing a date for hearing and final disposal of the Notices of Motion. I have given a slightly longer date since I

expect that the filings will be voluminous and the hearing may require some time as will the final order of the Notices of Motion.

5. Pending the hearing and final disposal of the Notices of Motion, the order dated 10th March 2015 in the Appeals will continue to operate.

6. The undertakings given by the Appellant to the Court to keep reserved three flats for the original Plaintiffs pending the final disposal of the Notices of Motion will also continue.

7. The Notices of Motion will be decided on its own merits uninfluenced by the ad-interim order.

8. All three Appeals from Order and three Civil Applications are disposed of in these terms with no order as to costs.

(G. S. PATEL, J)