

Shephali

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION
APPEAL FROM ORDER NO. 138 OF 2017
WITH
CIVIL APPLICATION NO. 184 OF 2017

Ahmed Sayed & Anr	...Appellants
<i>Versus</i>	
Pragnesh Shah & Anr	...Respondents

Mr Ahmed Sayed, *Appellant No. 1 in person.*
Mr Amol B Kharat, *i/b Pillai Co, for the Respondent.*

CORAM: G.S. PATEL, J
DATED: 17th July 2017

PC:-

1. Heard. The Appeal is directed against an order dated 4th March 2017 refusing ad-interim reliefs. The Notice of Motion is still pending. There was ad-interim order dated 15th March 2017 in Appeal, which reads thus:

"1. Heard Mr Sayed, appellant No. 1 in person and Mr Amol Kharat, learned counsel for respondent No. 2.

2. Issue notice to the respondents, returnable on 12 April 2017. The notice to indicate that the matter may be heard and disposed of finally at the stage of admission itself.

3. Mr Kharat, learned counsel waives notice on behalf of respondent No. 2.

4. By way of ad-interim relief, the respondents are restrained from obstructing the appellants from using access from the main road/public road until their residence. Respondent No. is directed not to close the gate access or in any case to open the gate as and when the appellants and their family members require motorable access to their house.

5. Further, insofar as the foot-way is concerned, the parties are also directed to maintain *status quo* until the next date."

2. The Notice of Motion will be heard on its own merits uninfluenced by the ad-interim order. All contentions are expressly kept open.

3. The ad-interim order dated 15th March 2017 will continue to operate pending final disposal of the Suit, and should the Motion decided against the Plaintiff, for a period of two weeks thereafter.

4. The Appeal from Order is disposed of in these terms. There will be no order as to costs.

5. The Civil Application does not survive and is disposed of as infructuous.

(G. S. PATEL, J)