

Talwalkar

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION
APPEAL FROM ORDER ST. NO. 10366 OF 2017
WITH
CIVIL APPLICATION ST. NO. 10367 OF 2017**

Comfort Intech Limited	...Appellants
<i>Versus</i>	
Woodland Garden Cafe & ors.	...Respondents

Mr AM Saraogi *a/w. Mr. Anand Mishra for the Appellants.*
Mr Mayur Khandeparkar *i/b. Sanjay Dubey for the Respondent No.*

1.

Mr. O Shaikh, *advocate for respondent Nos. 2 and 3.*

CORAM: G.S. PATEL, J
DATED: 7th June 2017

PC:-

1. The appeal is against the order of 18th March 2017 declining ad-interim relief to the Plaintiff. I am informed that the motion itself is ready for final hearing. Replies and rejoinders have been filed.

2. The learned Judge of the Trial Court is requested to dispose of the Motion at his earliest convenience and preferably within a period of four months from today.

3. The Motion will be decided on its merits uninfluenced by the order dated 18th March 2017 or this order. All rights and contentions are specifically kept open to the final hearing of the notice of motion.

4. The statement of Mr. Khandeparkar for Respondent No. 1 is noted that today, it is the first Respondent who is in occupation of the basement and first floor of the structure that has been constructed on the suit land.

5. With these observations, the appeal is disposed of. The Civil Application is infructuous and is disposed of accordingly.

(G. S. PATEL, J.)