

Santosh

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION
APPEAL FROM ORDER NO.741 OF 2016**

Nitya Dreams	...Appellant
<i>Versus</i>	
Ganesh Shankar Rane alias Raju Rane & Ors	...Respondents

**Mr Deepak Chitnis, i/b Deepak Chitnis & Co, for the Appellant.
Mrs Madhuri More, for Respondent No.3/MCGM.**

**CORAM: G.S. PATEL, J
DATED: 24th July 2017**

PC:-

1. The Plaintiff was refused ad-interim relief by an order of 6th April 2016 *inter alia* on the ground of unexplained delay.
2. I see no reason to interfere with the order.
3. It is sufficient to clarify that the Motion itself will be disposed of at the earliest possible and preferably by 13th October 2017. The Motion will be decided on its merits uninfluenced by the observations in the ad-interim order. All contentions are left open.
4. Mr Chitnis for the Appellant makes a grievance that the Defendant has not yet filed a reply.

5. The parties will appear before the Trial Court on 7th August 2017 and will obtain final directions for filing replies and rejoinders and fix a date for hearing of the Notice of Motion. It is clarified that the Trial Court should not grant time beyond the schedule finally fixed on that day for filing a reply. If the Defendants do not file the reply within the time specified by the Trial Court, the Motion will be decided without that reply affidavit.
6. The Appeal is disposed of in these terms. No costs.

(G. S. PATEL, J.)