

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION**

**APPEAL FROM ORDER NO.688 OF 2014
WITH
CIVIL APPLICATION NO.1239 OF 2014
IN
APPEAL FROM ORDER NO.688 OF 2014**

Shri.Bhimraj Guneshamlji Jain ...Appellant/Applicant
Versus
Kumar Builders & Anr. ...Respondents

Mr.Shah i/b Mr.Nitin Mulye for the Appellant/Applicant.

Ms.Rajlaxmi Punjabi i/b Ms.P.M. Bhansali for Respondent No.2.

CORAM : M. S. SONAK, J.

DATE : 24 MARCH 2017

P.C.

1. The challenge in this appeal is to the order dated 08-05-2014 by which the learned Trial Judge has declined ad-interim relief to the appellant.

2. By now, it is expected that the Notice of Motion itself would be disposed of. However, the learned counsel for the appellant points out that the Notice of Motion is yet to be disposed of.

3. Merely because, an appeal has been instituted against an order either granting or refusing ad-interim relief, that by itself, ought not to hinder or deter the learned Trial Judge from

proceeding with the Notice of Motion and disposing of the same in accordance with law. Be that as it may, the learned Trial Judge is now directed to dispose of the Notice of Motion as expeditiously as possible and in any case within a period of six weeks from the date of production of authenticated copy of this order.

4. Accordingly, this appeal is disposed of with a direction to the learned Trial Judge to dispose of the Notice of Motion itself as expeditiously and in any case, within a period of six weeks from the date of the production of authenticated copy of this order. Such Notice of Motion to be disposed of in accordance with law and on its own merits and without being influenced by any observations made in the order dated 08-05-2014 and for that matter the circumstance that this appeal is being disposed of today.

5. All contentions of all the parties are left open.

6. The Appeal is accordingly disposed of in the aforesaid terms.

7. In view of the disposal of the appeal, the Civil Application does not survive and the same is also disposed of.

8. All concerned to act on the basis of authenticated copy of this order.

(M. S. SONAK, J.)