

Santosh

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION
APPEAL FROM ORDER NO. 576 OF 2014
WITH
CIVIL APPLICATION NO. 699 OF 2014

Baikunath Properties Pvt Ltd	...Appellant
<i>Versus</i>	
Rashmikant Zaverchand Shah	...Respondent

None *for the Appellant.*

Mr ST Sarla, *for the Respondent.*

Mr Rashmikant Zaverchand Shah, *Respondent present.*

CORAM: G.S. PATEL, J

DATED: 10th July 2017

PC:-

1. None for the Appellant even on the second call. The Appeal is of 2014. It is directed against an interim order of 2012 dismissing the Plaintiff's Notice of Motion. The learned Judge of the City Civil Court declined interim relief *inter alia* finding the Plaintiff in possession of the property, and also that it was the Defendant and his wife who had a right and interest in property. The learned Judge felt that the interim relief sought would, if granted, finally decide the suit. He dismissed the Motion, in my view quite correctly.

2. The interim order calls for no interference.
3. The Appeal is dismissed. No costs.
4. The Civil Application does not survive and is disposed of accordingly.
5. All interim orders in the Appeal are vacated.

(G. S. PATEL, J.)