

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION

APPEAL FROM ORDER NO.645 OF 2017

Wallace Flour Mill Company Pvt. Ltd. ... Appellant

Vs.

Ashwin Kumar Lulla & Ors. ... Respondents

Mr.Shardul Singh with Preet Chheda i/b DSK Legal for the Appellant
Mr.A.R. Mishra for Respondent Nos.1 and 2
Mrs.Madhuri More for Resp. No.3 / Corporation

CORAM: MRS.MRIDULA BHATKAR, J.

DATE: NOVEMBER 13, 2017

P.C.:

1. This Appeal from Order is directed against the order dated 18.11.2016 passed by the learned Judge, City Civil Court, Dindoshi, Mumbai, in Notice of Motion No.410 of 2015 in L.C. Suit No.237 of 2015, by which the ad-interim relief dated 7.2.2015 which was granted in favour of the plaintiff, was confirmed.

2. The Respondent Nos.1 and 2 / original plaintiff Nos.1 and 2, had fixed Sintex water tanks for storing water for their daily use. The Corporation – original defendant No.1, gave notice to them to remove the said tanks vide notices dated 19.11.2014 and 18.12.2014, as prior permission was not taken by the plaintiffs. The learned trial

Judge by order dated 7.2.2015 after hearing both the parties granted ad-interim order. On 27.1.2016, the present appellant, who is a landlord of the suit premises, was allowed to be impleaded in the suit. Thereafter, on 18.11.2016, the Notice of Motion was finally heard. It is submitted by the learned Counsel for the appellant that arguments were advanced by both the parties. However, the learned trial Judge did not pass reasoned order.

3. Per contra, the learned Counsel for the respondents i.e., the original plaintiffs, has submitted that on 18.11.2016, the Notice of Motion was called out, however, no reply was filed by the Corporation. The learned Counsel explained that though the Court has directed to implead the landlord i.e., the present appellant, as a party in the proceedings, the plaintiffs i.e., the respondents, did not take action and did not implead him as party to the proceedings by making necessary amendments.

4. After hearing the submissions, it appears that on 18.11.2016, the learned Judge, by relying on the ad-interim order, has confirmed the same. In view of the short issue involved in the matter, this appeal is being disposed of with a direction to the trial Court to proceed with the matter and decide the suit finally, preferably within

six months and in any case on or before 31.5.2018. Parties shall cooperate in the timely disposal of the case.

5. Appeal from Order is disposed of accordingly.

(MRIDULA BHATKAR, J.)