

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION

APPEAL FROM ORDER NO. 1000 OF 2014
WITH
CIVIL APPLICATION NO. 1215 OF 2014

Kishor Amrut Wanjara & Ors. .. Appellants
vs.
M/s. Mamtora Foundation & Ors. .. Respondents

None for Appellants.

Mr. A. N. Narula with Ms Meena Bhatia i/b. Jhangiani Narula & Associates for Respondent No. 3.

CORAM : M. S. SONAK, J.
DATE: 01 FEBRUARY 2017

P.C :

1] This appeal challenges order dated 9 May 2014, by which the learned trial Judge has declined ad interim relief.

2] From 9 May 2014 onwards, there is no ad interim relief in operation. Mr. Narula, learned counsel for the respondent no.3 submits that the notice of motion is now posted for 21 March 2017. He points out that the appellants have also taken out a chamber summons, which according to the appellants is required to be considered before or at least along with the notice of motion.

3] Since there is no ad interim relief in operation, for last two years, there is no reason to consider the appeal against the order dated 9 May 2014 at this stage. In case, the appellants are

interested in interim reliefs, it is for them to pursue their notice of motion before the learned trial Judge. Such notice of motion will obviously have to be decided on its own merits and in accordance with law. In deciding the notice of motion, the learned trial Judge need not be influenced by any observations in the order dated 9 May 2014 or the circumstance that this appeal has not been entertained by this court. All contentions of all parties are left open.

4] This appeal is accordingly disposed of. There shall be no order as to costs.

5] In view of dismissal of appeal, civil application does not survive and is disposed of accordingly.

6] All concerned to act on basis of authenticated copy of this order.

(M. S. SONAK, J.)

Chandka