

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION

APPEAL FROM ORDER st. NO.22088 OF 2017

Shri Bhavesh Madeva Gami

... Appellant

Vs.

M/s.Shree Sai Sagar Consultants

... Respondent

Mr.Angad Giri for the Appellant

CORAM: MRS.MRIDULA BHATKAR, J.

DATE: 3rd OCTOBER, 2017

P.C.:

1. This Appeal from Order is directed against the order of refusal of ad-interim relief dated 13.7.2017 in Draft Notice of Motion in S.C. Suit No.1864 of 2017. The plaintiff has sought the relief against the respondent/defendant that he should not create third party right in the suit flat. However, the trial Court has refused to grant ad-interim relief on the basis of the written submissions made by the defendant that he has already created third party right in favour of one Rakesh Salunke in respect of the suit flat. The said Rakesh Salunke, who is a necessary and proper party to the suit, is not made a party.

2. The learned Counsel for the appellant submits that he has given an application to the respondent to furnish the address of third party and he has already moved an application before the trial Court requesting to give directions to the respondent to furnish the address of Rakesh Salunke, the third party. However, till today, no order is passed by the trial Court.

3. Although nothing can be faulted with the impugned order passed by the trial Court, the trial Court to take note of the submissions of the appellant and direct the respondent to furnish the address of the third party. The Notice of Motion to be heard on merits. With these directions, the Appeal from Order is disposed of.

(MRIDULA BHATKAR, J.)