

Santosh

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION
APPEAL FROM ORDER NO.1085 OF 2014

Elite Diagnostic Centre

...Appellant

Versus

Inderjeet Singh Balwant Bhatia & Ors

...Respondents

Ms Sajida Chaudhry, *Representative of the Appellant-Company is present.*

CORAM: G.S. PATEL, J
DATED: 29th June 2017

PC:-

1. Once again I am told by Ms Sajida Chaudhary that the Appellant's Advocate is sick. I was told the same thing on 13th June 2017 when I kept the matter today. I will not adjourn this matter any further.

2. The Appeal is pending admission since 2014. It is directed against an order of 24th September 2014. In fact, there is no appealable order. There was an ad-interim order dated 6th June 2014 when the Advocate for the Defendants made a statement that the Defendants were not going to alienate the suit property or create any third party interest. The statement was accepted. The grievance

in the Appeal is that this statement was not continued on 24th September 2014. However, it is only true that the statement was not discharged or discontinued on that date either. The roznama only shows that it was at the request of the Plaintiff that the matter was adjourned on 24th September 2014 for a Rejoinder. It was further adjourned for a Rejoinder thereafter. At no point was the earlier statement vacated or discharged.

3. A matter such as this cannot therefore be kept pending for three years, with the Court continually only told that the Advocate is unwell.

4. The Appeal is dismissed with these observations.

(G. S. PATEL, J.)