

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION**

**APPEAL FROM ORDER NO.1183 OF 2014
WITH
CIVIL APPLICATION NO.470 OF 2015
IN
APPEAL FROM ORDER NO.1183 OF 2014**

Laxmi Nagar CHS Ltd. ...Appellant/Applicant
Versus

Mr.Abdul Hameed Khan & Ors. ...Respondents

Ms.Sandhya A. Mailagir i/b Mr.Haresh J. Lulia for the
Appellant/Applicant.

CORAM : M. S. SONAK, J.

DATE : 24 MARCH 2017

P.C.

1. Ms.Sandhya Mailgir who holds for advocate Mr.Haresh Lulia seeks an adjournment on the ground that there are some settlement talks between the parties.

2. The challenge in this appeal is to the order dated 08 October 2014, the operative portion of which, reads as follows :-

“1. Ad-interim temporary injunction is granted in terms of prayer clause (2) of notice of motion, pending the final hearing and disposal of notice of motion.

2. *Plaintiffs to serve notice for final hearing of notice of motion on the defendant Nos.1 to 3.”*

3. The aforesaid means that ad-interim injunction has been granted in terms of prayer clause (2) of the Notice of Motion, pending the final hearing and disposal of the Notice of Motion. Further, service of notice has been ordered for final hearing of the Notice of Motion itself to the defendant Nos.1 to 3 before the learned Trial Judge. Since, this order was made on 08-10-2014, it is reasonably expected that the Notice of Motion itself would be disposed of. In any case, the learned Trial Judge is directed to dispose of Notice of Motion in case still pending in accordance with law and on its own merits. In disposing of the Notice of Motion, the learned Trial Judge need not be influenced by any of the observations made in the impugned order dated 08 October 2014 and the circumstance that this appeal is being disposed of by this Court.

4. The Appeal and the Civil Application is disposed of with the aforesaid direction. There shall be no order as to costs.

(M. S. SONAK, J.)