

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

APPEAL FROM ORDER NO.621 OF 2016

**WITH
CIVIL APPLICATION NO.792 OF 2016
IN
APPEAL FROM ORDER NO.621 OF 2016**

**WITH
CIVIL APPLICATION NO.793 OF 2016
IN
APPEAL FROM ORDER NO.621 OF 2016**

Neelyog Builders Pvt. Ltd. ..Appellant/Applicant
V/s.
Dharmendra Nagendrapati Tripathi & Anr. ..Respondents

Mr. Aditya Shiralkar i/by Shiralkar a/w Ms. Prachi Mhatre for the
Appellant/Applicant.
Ms. M.R. Bhoir for the B.M.C.

**CORAM : M.S. SONAK, J.
DATE : 29th MARCH, 2017.**

P.C. :

1 The challenge in this Appeal is to the orders dated
07.09.2015, 14.09.2015 and 20.01.2016. By all these orders, an
ad-interim relief was granted by the learned Trial Judge directing
the parties to maintain of *status-quo*.

2 The appellant, is admittedly, not a party to the proceedings before the learned Trial Judge. The appellant, however, claimed that the impugned order of status-quo is directly affecting them since, they are unable to proceed with their development project. They point out that the very institution of the suit is fraud and an abuse of the process of the Court.

3 The ad-interim orders have been in operation from the year 2015. By now, even the Notice of Motion, ought to have been disposed of. Possibly on account of pendency of the present matter, the Notice of Motion has not been disposed of. In any case, there is no justification for the appellant, to directly rush to this Court. In case, they were really aggrieved by the impugned orders and in case, they are convinced that there is merit in their submission as regards fraud and abuse of the process of the Court, they could have applied to the learned Trial Judge for their impleadment as parties and for vacation of the ad-interim orders. However, they have done nothing of this sort. After the passage of almost two years, at the behest of the appellant, who are not even parties before the learned Trial Judge, it is not possible to interfere with the impugned orders.

4 At this stage, learned counsel for the appellant states that the appellant will apply to the learned Trial Judge for impleadment and for vacation of the ad-interim reliefs. In case, the appellant, apply to the learned Trial Judge for their impleadment in the Suit, such application as well as Notice of Motion itself be disposed of as expeditiously as possible and in any case, within a period of eight weeks from the date of such application being made.

5 It is made clear that this Court has not gone into the merits of the matter and all contentions of all parties are kept open for determination by the learned Trial Judge.

6 In view of the aforesaid reasons, the Appeal is disposed of.

7 Upon disposal of main Appeal, the Civil Applications do not survive and the same are disposed of.

(M.S. SONAK, J.)