

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

**APPEAL FROM ORDER NO.5 OF 2011
WITH
CIVIL APPLICATION NO.6 OF 2011
IN
APPEAL FROM ORDER NO.5 OF 2011**

Shyam Bashadur Singh	..Appellant/Applicant
V/s.	
Jaiprakash Shaw & Ors.	..Respondents

None present for the Appellant/Applicant.

CORAM : M. S. SONAK, J.

DATE : 05 APRIL 2017

P.C.

1. This appeal is against order dated 7 December 2010 by which the learned Trial Judge, dismissed the plaintiffs Notice of Motion No.2706 of 2010.

2. This Court, on 17 January 2012, admitted this appeal and further, granted interim reliefs in terms of prayer clauses (a) and (b).

3. The aforesaid interim reliefs in operation since, 17 January 2012. The interim reliefs were to operate during the pendency of Suit No.2168 of 2010. Since, neither the appellant's nor the respondents are present today. It is possible that the suit itself stands disposed of. In any case, since the interim relief is in

operation since 17 January 2012 and since it is reasonable to proceed on the basis that the suit is either disposed of or in the verge of disposed of, there is no point in disturbing the position as obtained by virtue of the interim order dated 17 January 2012 made by this Court in this appeal. Accordingly, such position is directed to operate until the disposal of the suit, in case, the suit is not already disposed.

4. The learned Trial Judge is directed to dispose of the suit expeditiously, since, the suit was instituted in the year 2010. The learned Trial Judge need not be influenced by any of the observations made in the impugned for that matter the present order. The appeal is disposed of in the aforesaid terms. There shall be no order as to costs.

5. All contentions of all parties are left open.

6. In view of the disposal of the appeal, the Civil Application does not survive and the same are disposed of.

(M. S. SONAK, J.)