

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

**APPEAL FROM ORDER NO.1209 OF 2014
WITH
CIVIL APPLICATION NO.1460 OF 2014
IN
APPEAL FROM ORDER NO.1209 OF 2014**

Arun Damji Gada ..Appellant

V/s.

1.Kamala @ Gayatri Pukhraj Vyas & Ors. ..Respondents

Mr.Pradeep J. Thorat for the Appellant.

CORAM : M. S. SONAK, J.

DATE : 06 JANUARY 2017.

P.C.

1. Mr.Thorat learned counsel for the appellant is present. Respondents are absent. The advocate for the respondents are also absent.

2. This appeal is directed against an order dated 7-11-2014 made by the City Civil Court, Dindoshi (Trial Court) declining ad-interim relief to the appellant.

3. This Court, on 13-01-2015 granted ad-interim relief

to the appellant in the following terms.

“i) Rule.

ii) Rule made returnable after 12 weeks.

iii) Till next date, respondents are restrained by an order of injunction from disturbing possession of the appellant original plaintiff in respect of the suit property as described in Exh.'A' of plaint.

4. The aforesaid order was made upon hearing the learned counsel for the appellant as well as respondent nos.1 to 7.

5. Although, there was no stay of the hearing of the Notice of Motion, Mr.Thorat submits that till date the Notice of Motion is still pending.

6. Since, ad-interim relief is in operation since 13-01-2015, the same is continued until the disposal of the Notice of Motion. The learned Trial Judge is requested to dispose of the Notice of Motion as expeditiously as possible and in any case within a period of two months from today.

7. In disposing of the Notice of Motion, the learned Trial Judge need not be influenced by the aforesaid order dated 13-01-2015 or the continuance of the ad-interim relief granted therein, today. The Notice of Motion shall be decided on its own merits and in accordance with law.

8. All contentions of all parties are specifically kept open.

9. The appellant to appear before the learned Trial Judge on 16 January 2017 at 11.00 a.m. and submit authenticated copy of this order.

10. The appeal is disposed of in the aforesaid terms. There shall be no order as to costs.

(M. S. SONAK, J.)