

Vidya Amin

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION

**APPEAL FROM ORDER (St.) No. 32655 OF 2017
WITH
CIVIL APPLICATION (ST.) NO. 32656 OF 2017**

Miss Bepsy M. Hakim & Ors. ... Appellants/Applicants
Vs.
Rama Pyarelal Tiwari ... Respondent

Ms. Sapna P. Khobragade a/w. Gayatri H. Nayak, Avinash Thorat i/b.
Mr. Rajesh P. Khobragade, Advocate for the appellants.
Mr. S.N. Vaishnav a/w. Nupur J. Mukherjee, Advocate for the
respondent.

CORAM: MRS.MRIDULA BHATKAR, J.
DATE: 27th November, 2017.

P.C.:

Upon mentioning, taken on production board.

2. In this Appeal from Order, the order dated 14th November, 2017 passed by the learned Judge of the City Civil Court, Greater Mumbai is challenged. The respondent/plaintiff has filed Suit No. 2418 of 2017 for restoration of possession, restoration of name board in the clinic and for removal of locks from the gate of the eastern side of the premises.

3. The trial Court while hearing the Notice of Motion, issued notice. However, defendants/appellants failed to appear before the

trial Court, therefore, the learned Judge decided the Notice of Motion and made the Notice of Motion absolute, after considering the documents and submissions of the plaintiff, in terms of prayer clauses (a), (b) and (d). However, on the next day, by consent, the said order was set aside and ad-interim protection is granted in terms of prayer clauses (a), (b) and (d).

4. The learned counsel for the appellants/defendants submitted that the appellants have come to this Court challenging the said ad-interim order because that order was also passed without hearing the defendants.

5. Perused the impugned orders dated 14th November, 2017 and 15th November, 2017. By consent, the order of allowing the Notice of Motion in terms of prayer clauses (a), (b) and (d) was set aside, however, the interim order in terms of prayer clauses (a), (b) and (d) was continued. When this order was passed, the learned counsel for the appellants was present. This order was not resisted by the learned counsel for the appellants/defendants on 15th November, 2017. If the parties have any grievance, the parties to go before the trial Court and address their grievance.

6. With this, Appeal from Order is dismissed. Civil Application is also accordingly disposed of.

(MRIDULA BHATKAR, J.)