

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION

**APPEAL FROM ORDER (ST.) NO. 35199 OF 2017
WITH
CIVIL APPLICATION (ST.) NO. 35200 OF 2017
IN
APPEAL FROM ORDER (ST.) NO. 35199 OF 2017**

Vijay Kumar Amarnath Puri

...Appellant

Versus

Dinesh Kumar Amarnath Puri alias
Devendra Kumar Amarnath Puri & Ors.

...Respondents

.....

Mr.G.S.Godbole a/w. Mr. Karl Tamboly, Ms. Sujata R.D.
i/b.Mr.P.Y.Shankar for the Appellant.

Mr.Piyush Raheja a/w. Mr.Anuj Jaiswal, Ms.Radhika A. Shah and
Mr. Nirav Shah i/b. Little & Co. for Respondent Nos.1 and 2.

Mr. Vivek Kantawala a/w. Mr.Amey Patil i/b. Vivek Kantawala and Co.
for Respondent No.3.

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CORAM: MRS.MRIDULA BHATKAR, J.

DATE: DECEMBER 21, 2017

P.C.:

1. This Appeal from Order is directed against the order dated 6th December, 2017 passed by the learned Judge, City Civil Court, Mumbai in Notice of Motion No. 4344 of 2017 in Suit No. 2666 of 2017 thereby refusing the ad-interim reliefs in favour of the appellant/plaintiff.

2. It is a family trust and the brothers are the trustees and beneficiaries. The appointment of widow of one of the brothers, who was trustee, is an issue before the trial Court.

3. Heard submissions at length of the learned counsel for respondent no.2/ defendant no.2 i.e. widow of the brother of ex trustee. He submits that defendant no.2 hereafter shall not work as a trustee of the impugned trust till the final hearing of the Notice of Motion. He further submits that he will disclose the decision, if any, taken by defendant no.2 as a trustee during the period from May 2017 till today.

4. In view of this submission, this is workable arrangement. All contentions and claims are kept open before the trial Court and this will not come in the way of Trust Petition filed by defendant no. 3 in this Court. The defendants to file affidavit in reply in Notice of Motion, which is scheduled on 4th January, 2018. The trial Court may endeavour to hear and decide the Notice of Motion till 30th March, 2018. The order passed by the trial Court is modified to that effect.

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

(MRIDULA BHATKAR, J.)