

(APPL 34 of 2017)

vat

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
ORDINARY ORIGINAL CIVIL JURISDICTION

APPEAL (L) No. 34 OF 2017
IN
NOTICE OF MOTION No. (L) No. 3351 OF 2016
IN
SUIT No. 1047 OF 2016
WITH
NOTICE OF MOTION (L) No. 197 OF 2017

Jos A. Kulangara

...Appellants
(Org. Plaintiffs)

Vs.

M/s. Aria Infra & Ors.

...Respondents
(Org. Defendants)

Mr. Mayur Khadeparkar a/w. Sandeep Jalan i/b. Dharmendra Fupta for
the Appellants

Mr. Vishwajeet Sawant a/w. Kirit Hakani i/b. Kirit Hakani for
Respondent No.1

Ms. Niyati Nakani for Respondent Nos.2 to 7

**CORAM : V.M. KANADE &
P.R. BORA, JJ**

DATE : FEBRUARY 22, 2017

P.C. :

1. We have heard the learned counsel appearing on behalf of the
Appellants and the Respondents.

2. The Learned Single Judge, by the impugned order, has refused

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to grant ad-interim relief and has observed that the motion would be heard finally. A preliminary issue of limitation has been framed and the parties have been permitted to lead their evidence. The parties have already filed their affidavit in lieu of evidence.

3. After perusal of the impugned order, we concur with the observation made by the Learned Single Judge. In our view, since this appeal has been filed against refusal to grant ad-interim relief, we are not inclined to grant ad-interim relief. All contentions of both the parties are kept open.

4. We request the Learned Single Judge to expedite the process of hearing of the preliminary issue and decide the notice of motion expeditiously. Hence, appeal is disposed of in the aforesaid terms.

5. In view of the disposal of the Appeal, Notice of Motion (L) No. 1977 2017 filed therein does not survive and it is accordingly disposed of.

[P.R. BORA, J.]

[V.M. KANADE, J.]