

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
ORDINARY ORIGINAL CIVIL JURISDICTION
APPEAL NO.182 OF 2017
IN
NOTICE OF MOTION(SUITS) No.422 of 2017
WITH
NOTICE OF MOTION (APPEALS) (L) NO.433 OF 2017
IN
APPEAL NO.182 OF 2017**

Jinesh Dhirajlal Shah

and another

... Appellants

Versus

Nisarg Rajen Shah

and others.

...Respondents

....

Mr. Aspi Chinoi, Senior Advocate i/b. Mr. Kunal Bhanage for Appellants.

Mr Dinyar Madan, Senior Advocate a/w Mr. V.J. Mehta & Mrs. Y.S. Shukla i/b. Vaibhav mehta & Associates for Respondent No.1.

....

**CORAM : NARESH H. PATIL AND
Z.A. HAQ, JJ.**

08th September, 2017.

P.C.:

1. Affidavit in reply filed by Respondent No.1 in Notice of Motion No.433 of 2017 is taken on record.
2. The appellants are original defendants. The suit bearing No.66 of 2017 was filed for specific performance and Notice of Motion (L) No. 163 of 2017 was filed in the suit. By an order dated 13th February, 2017 the learned Single Judge of this Court passed following order:

“1. Place the above Notice of Motion for hearing and final disposal on 1st March, 2017.

2. In the meantime, the parties shall maintain status quo as of today in respect of the Suit property.”

3. The learned Senior Counsel appearing for the appellants/original defendants submits that since after passing of the impugned order, Notice of Motion is yet to be taken up for hearing on merits. At an interim stage, the appellants had filed reply to the Motion. The Counsel, on instructions, submits that detail reply would be tendered within two weeks from today. On appellants filing reply, the original plaintiff/respondents herein are at liberty to tender rejoinder within further two weeks.

4. The learned Single Judge had listed the matter for hearing and final disposal on 1st March, 2017.

5. In the facts and in view of submissions advanced, we request the learned Single Judge of this Court to finally dispose of the Notice of Motion within ten weeks. All issues on merits are kept open.

6. The Appeal stands disposed of.

7. In view of the disposal of the Appeal No. 182 of 2017, the Notice of Motion bearing (Appeals) (L) No. 433 of 2017 does not survive and the same is also disposed of as such.

(Z.A. HAQ, J)

(NARESH H. PATIL, J)