

IN THE HIGH COURT OF JUDICATURE AT BOMBAY**ORDINARY ORIGINAL CIVIL JURISDICTION****APPEAL (L) NO. 174 OF 2017
IN
EXECUTION APPLICATION NO. 252 OF 2007
IN
SUMMARY SUIT NO. 233 OF 2007
WITH
CHAMBER SUMMONS NO. 104 OF 2017**

I.D.L. Industries Ltd.	...Petitioner
vs.	
K.L. Wadhi & Co. Pvt. Ltd.	...Respondents

Ms.Anita Castellino a/w Heena Shah i/by Pandya & Co. for the Petitioner.

Ms.Ankita Singhanian a/w Mr. P. Ranjan i/by Halani & Co. for the respondents.

**CORAM : SHANTANU KEMKAR &
M.S. SONAK, JJ.
JULY 27, 2017**

P.C.:

Parties through their counsel.

2. Challenging the ad interim order dated 26.4.2017 passed by the learned Single Judge in Chamber Summons No.104 of 2017 filed in Execution Application No.252 of 2007, in Summary Suit No. 233 of 2007, the appellant decree holder has filed this appeal. The grievance of the appellant is that the learned Single Judge has committed error in granting ad interim stay on further execution in terms of prayer clause (c). According to her, this would amount to going behind the decree.

3. On the other hand learned counsel for the respondents submits that this is an ad interim order and the appellant has still opportunity to make the submissions when the chamber summons will be heard finally.

4. Having considered the submissions made by the learned counsel for the parties instead of interfering into the impugned order which is ad interim in nature, we dispose of this appeal with liberty to the appellants to move learned Single Judge for early disposal of the Chamber Summons No. 104 of 2017. Learned counsel for the respondents submits that in case prayer has been made for early disposal of the Chamber summons, the respondent shall not oppose such prayer and shall cooperate with the learned single Judge for early disposal of the Chamber Summons. In view of the aforesaid, we dispose of this Notice of Motion. We also dispose of this appeal requesting the learned single Judge to decide Chamber Summons no.104 of 2017 as expeditiously as possible preferably within two months from the date of receipt of copy of this order. All contentions are kept open. Needless to say that we have not commented upon the merits of the matter. Appeal as also the Notice of Motion stand disposed of.

(M.S. SONAK, J.)

(SHANTANU S. KEMKAR, J.)