

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
ORDINARY ORIGINAL CIVIL JURISDICTION
APPEAL(L) NO. 365 OF 2017**

Dhanesh Ruparel

..Appellant

Vs.

Avanti Mehta & Ors

..Respondents

**Mr. G. S. Godbole a/w Mr. Karl Tamboly a/w Mr. Malcolm Siganporia a/w
Ms Nandini Joshi i/b Harish Joshi & Co. for the Appellant
Mr. Janak Dwarkadas Senior Advocate a/w Mr. Cyrus Ardhesir a/w Mr.
Pranav Sampat a/w Ms Arundathi V i/b Khaitan & Co. for the Respondent
Nos.1, 2 and 9**

**CORAM :R. M. SAVANT, &
SARANG V KOTWAL, JJ
DATE : 31st OCTOBER, 2017**

P.C.

1 The delay in filing the above Appeal has been condoned by an order passed today in Notice of Motion (L) No.1837 of 2017. With the consent of the Learned Counsel for the parties the above Appeal is taken up for hearing as to admission forthwith.

2 The above Appeal is directed against the order dated 26-7-2017 passed by a Learned Single Judge of this Court by which order ad-interim reliefs were refused to the Appellant. The reasons for refusing the ad-interim reliefs are mentioned in paragraph 4 of the impugned order. The Learned Single Judge whilst refusing the ad-interim reliefs has recorded the factum of the Plaintiff having no objection to the Defendant No.1 being permitted to operate the bank account as mentioned in paragraph 2 of the order dated 17-4-2017. The Learned Single Judge was satisfied with the limited affidavit

which was filed on behalf of the Defendant Nos.1 and 2 the Respondent Nos.1 and 2 herein disclosing that all payments have been made by cheque and that the Defendant Nos.1 and 2 have rendered the full and proper accounts. By the impugned order the Notice of Motion has been peremptorily fixed on 24-8-2017. The Learned Counsel appearing for the Appellant sought to make submissions which in our view would at the highest entail in accounting being carried out which exercise if warranted can be carried out at the hearing of the Notice of Motion. In our view therefore, it would be just and proper that the said Notice of Motion is heard finally by the Learned Single Judge.

3 In view thereof, no relief can be granted to the Appellant in the above Appeal. The above Appeal is accordingly dismissed.

4 However, the Appellant would be at liberty to move the Learned Single Judge for expeditious hearing of the Notice of Motion. All contentions of the parties on merits are kept open for being urged before the Learned Single Judge.

5 In view of the dismissal of the above Appeal Notice of Motion (I) No.1838 of 2017 does not survive and to stand disposed of as such.

[SARANG V KOTWAL, J]

[R.M.SAVANT, J]