

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

APPEAL NO.677 OF 2014  
IN  
NOTICE OF MOTION NO.3429 OF 2010  
IN  
SUIT NO.3637 OF 1999

Mrs. Anita Fernandes & Anr. .. Appellants

*-Versus-*

Mrs. Sonya Chickhalikar & Anr. .. Respondents

Mr. Chirag Mody with Mr. Nilesh Tated and Mani Thovan i/b. Mahesh Menon & Co. for appellants

Ms. Bharti Narichania i/b. Vibha Jurisconsult Co. for respondent Nos. 1 and 2.

CORAM : SHANTANU S. KEMKAR &  
M.S.SONAK, JJ.

DATE : 20<sup>th</sup> June 2017.

P.C.

1] The challenge in this appeal is to the order dated 30<sup>th</sup> October 2014, passed by the learned Single Judge in Notice of Motion No.3429 of 2010 filed in Suit No.3637 of 1999. While deciding the said notice of motion, the learned Single Judge has declined the defendants the prayer for vacating and setting aside the ad-interim and interim orders dated 8<sup>th</sup> October 2001 and 6<sup>th</sup> November 2003.

2] It is not in dispute that in the absence of there being any stay of the proceedings in the suit, four witnesses have already been examined. In view of the aforesaid, as agreed to by the learned Counsel for parties, we are disposing of this appeal by observing that any observations made by the learned Single Judge while deciding the Notice of Motion No.3429 of 2010 and the observations made while passing the orders dated 8<sup>th</sup> October 2001 and 6<sup>th</sup> November 2003 shall not come in the way of the defendants, while deciding the suit and the suit shall be decided on its own merits and in accordance with law. The appeal and Notice of Motion No.3429 of 2010 both are disposed of accordingly.

(M.S.SONAK, J)

(SHANTANU S. KEMKAR, J)