

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY  
CIVIL APPELLATE JURISDICTION**

**APPEAL FROM ORDER NO. 301 OF 2018**

|                                  |     |             |
|----------------------------------|-----|-------------|
| Kashi Badalchandra Das           | ... | Appellant   |
| V/s.                             |     |             |
| Harshad Chandrakant Mehta & Anr. | ... | Respondents |

- Mr.Vinay M. Bhate for the Appellant.

**CORAM : DR.SHALINI PHANSALKAR-JOSHI, J.**

**DATE : 24<sup>th</sup> SEPTEMBER, 2018.**

**P.C. :**

1] This Appeal is preferred against the order of ad-interim injunction granted by the City Civil Court, Dindoshi, Mumbai in Draft Notice of Motion in S.C. Suit No.2364 of 2015 on 16<sup>th</sup> December, 2017.

2] The order of ad-interim injunction was to direct the Appellant to open the lock of the suit shop by next day (17.12.2017) otherwise it would be break open or Respondents were directed to break open the lock of the suit shop and enter in the suit premises on 18.12.2017.

3] Thus, it is clear that the order which was passed by the trial Court was only of ad-interim injunction and it is fairly conceded

by learned counsel for the Appellant that the said order is already executed and the lock of the suit shop was opened. In view thereof, the Appeal itself has become infructuous.

4] According to learned counsel for the Appellant, the relief which was granted by the trial Court was the same as prayed in the Notice of Motion and therefore, it has to be held that the Notice of Motion is disposed off. However, considering that the trial Court has only considered the documents on record for *prima-facie* case and passed the order of ad-interim injunction but not disposed of the Notice of Motion, the parties can take appropriate recourse before the trial Court.

5] Therefore, the Appeal stands disposed off.

**[DR.SHALINI PHANSALKAR-JOSHI, J.]**