

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

**APPEAL FROM ORDER (STAMP) NO.10059 OF 2018
WITH
CIVIL APPLICATION (STAMP) NO.12123 OF 2018**

Dasharath Mukund Nimle and Ors.

..Appellants

vs.

Mr. Vijay Vasudev Wadhava and Ors.

...Respondents

Mr.Sanjay Thokade i/b Mr. S. S. Redij for the Appellants.

Ms. Shama Maitra i/b Wadia Ghandy & Co for the Respondent No.1.

Ms.Madhuri More for the Respondent No.3.

CORAM : V. M. DESHPANDE, J.

DATE : 6th JULY, 2018

P.C.:

. Heard learned counsel for the parties. Learned counsel for the appellant has invited my attention to the impugned order which is at page No.15 of the compilation of this appeal. From the above said impugned order it is clear that the learned Judge has passed order that no ad-interim relief can be granted unless and until both the sides are heard.

2. According to the learned counsel for the appellant the matter is not proceeding further. From the impugned order it is clear that the Corporation is not going to file reply to the notice of motion. Learned counsel for the Respondent No.1 submitted that the Court has kept the matter on 4/8/2018.

3. Learned counsel for the appellant submitted that he will be satisfied and will withdraw the present appeal if this Court direct the Court

below to decide the notice of motion as expeditiously as possible.

4. In view of the submission as aforesaid, appeal is disposed of as withdrawn. The Court below is directed to decide notice of motion pending in Suit No.1082/1998 as expeditiously as possible and within a period of 10 weeks from the date of receipt of this order. Civil Application is also disposed of.

(V. M. DESHPANDE, J)