

Sarnobat

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

**APPEAL FROM ORDER (STAMP) NO. 17137 OF 2018
ALONGWITH
CIVIL APPLICATION (STAMP) NO. 17138 OF 2018
ALONGWITH
APPEAL FROM ORDER NO. 293 OF 2018
ALONGWITH
CIVIL APPLICATION NO. 384 OF 2018**

Rajinder Singh Parmar. ... Appellant.
Vs.
S. Raghbir Singh Gill & Ors. ... Respondents.

Mr. Vijaysinh Thorat, Sr. Advocate a/w Ms. Dhruti M. Kapadia, for the Appellant in AOST-17137-2018 and for Applicant in CAAST-17138-2018 and in AO No. 293/2018.

Mr. Narendra Walawalkar , Sr. Advocate a/w Mr. Pritesh Vyas a/w Mr. Dharmesh K. Vyas a/w Mr. Yagnesh M. Vyas a/w Mr. Nishant S. Vyas for the Appellant in AO No. 293/2018 and for the Applicant in CAA No. 384/2018.

Mr. Girish Godbole a/w Mr. Vijay B. Dhingreja a/w Mr. Ravish Mishra a/w Mr. Shreyas Lavakar I/by Vijay B. Dhingreja for Respondent No. 1 to 3 in AOST No.17137/2018 and AO No. 293/2018.

Mr. Pritesh Vyas for Respondent No. 4 in AOST No. 17137/2018.

Mr. S. Manmohan Singh Ratti, Respondent No.2 in AOST No.17137/2018 present.

CORAM : V. M. DESHPANDE, J.

DATE : 5th JULY, 2018.

P. C. :

1. These two appeals are filed before this Court challenging the order dated 6th June, 2018 in S.C. Suit No. 450 of 2018. By the

impugned order pending Notice of Motion No. 1080 of 2018 the learned Judge of the Court below has granted ad-interim relief in terms of prayer clause (a) of the Notice of Motion No. 1080 of 2018 till the decision of preliminary issue.

2. The Trial Court itself stayed the said order for giving opportunity to the appellant to approach this Court. After the appeals were filed on 20th June, 2018 by consent these appeals were kept today at 3.00 pm and interim order was directed to be continued till today.

3. After the said order development has taken place namely Maharashtra Ordinance No. 18 of 2018 is passed thereby Section 9(A) is now ceased to exist from the statute book. After hearing the learned counsel for the parties, the learned counsel for the respondents/original plaintiff Shri G. S. Godbole makes a statement after instructions from that the respondent herein namely the original plaintiff No.2 that they have no objection for keeping the order dated 6th June, 2018 in abeyance for a period of three weeks from today and during this period of three weeks the learned Judge of the Trial Court should decide the Notice of Motion on its own merit.

4. Since the submission was most fair in nature, both the learned senior advocates appearing for the appellant have also extended their consent for the same. However, in my view they rightly

submit that while deciding the Notice of Motion on its own merit, the learned Judge of the Trial Court shall not get himself influenced by observations of the said Court while granting ad-interim relief.

5. It is reported to this Court that next date before the Trial Court is 26th July, 2018. Both the parties agreed to appear before it on 10th July, 2018 and the learned Judge of the Trial Court shall decide the Notice of Motion No. 1080 by the end of three weeks from 10th July, 2018. If any of the parties wish to file any additional documents, reply, rejoinder all these activities shall be done within one week from 10th July, 2018 so that the learned Judge will have sufficient two weeks time to decide the issue. Hence, the order;

ORDER

I) By consent of the parties to these appeals, the order dated 6th June, 2018 passed by Judge City Civil Court, Dindoshi, Mumbai in S.C. Suit No. 450 of 2018 granting ad-interim relief in terms of prayer clause (a) of Notice of Motion No. 1080 of 2018 is kept in abeyance for all the purposes pending the decision of Notice of Motion No. 1080 of 2018.

II) The parties to both these appeal shall appear before the Court below on 10th July, 2018.

III) The parties to these appeals shall have liberty to file any document, pleadings, rejoinder, affidavits, additional affidavits

within a period of one week from 10th July, 2018.

IV) The learned Judge of the Court below is hereby directed to decide Notice of Motion No. 1080 of 2018 by end of three weeks from 10th July, 2018.

V) It is made clear that while deciding the Notice of Motion the learned Judge shall not get himself influenced any of the observations either by this Court or by the learned Judge himself which he has made while granting ad-interim relief.

VI) With this appeals are disposed of. All the Civil Applications are also disposed of.

VII) Parties to act on authenticated copy of this order.

[V. M. DESHPANDE,J.]