

Sarnobat

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

**APPEAL FROM ORDER NO. 366 OF 2018
ALONGWITH
CIVIL APPLICATION NO. 476 OF 2018**

Navkar Builder and Developer & Ors. ... Appellants
Vs.
Jayesh Premji Nisar. ... Respondent.

Mr. Manoj P. Mhatre, for the Appellants.
Mr. Vikhil Dhoka a/w Mr. Pramod Pandey I/by Solicis Lex, for the
Respondent.

CORAM : V. M. DESHPANDE, J.

DATE : 12th JULY, 2018.

P. C. :

1. The present appeal is directed against the order dated 4th June, 2018 in which the Court below has granted ad-interim relief in favour of the respondent.
2. Shri Mhatre learned counsel for the appellant states that the interest of justice can be secured if the Court below is directed to decide the Notice of Motion pending which is filed on behalf of the respondent and pending the decision of Notice of Motion, the ad-interim order operating against the appellant may continue. To this the learned counsel for the respondent has no objection. In that view of the matter, by consent I pass the following order;

ORDER

- I) The appeal is disposed of as withdrawn with no interference in the order dated 4th June, 2018.
- II) The Notice of Motion No. 1087 of 2018 in S.C.Suit No. 431 of 2018 shall be decided by the Court before whom the same is pending within a period of Six weeks from today after giving opportunity of hearing and filing all the additional affidavits, written statement by all the parties. That till the Notice of Motion is decided the interim order will continue.
- III) It is made clear that the Court below shall decide the Notice of Motion peremptorily without any unnecessary adjournment.
- IV) All civil applications are also disposed of.

[V. M. DESHPANDE,J.]