

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION

APPEAL FROM ORDER ST. NO.20043 OF 2018
WITH
CIVIL APPLICATION ST. NO.20044 OF 2018

Sanjeev Sachdeva Prop. M/s RKS Entertainment

-vs-

Rana Bhatia, Prop. Infinity Ventures

Office notes, Office Memoranda of
Coram, appearances, Court's orders
or directions and Registrar's orders.

Court's or Judge's Orders.

Shri Surel S. Shah, Advocate, Ms Jyoti Ghag, Advocate
with Shri Ganesh, Advocate for appellant.
Shri Sunil Shukla, Advocate for respondent.

CORAM : A.S.CHANDURKAR, J.
DATE : December 17, 2018

The order challenged in this appeal is an ad-interim order dated 21/06/2018 whereby the trial Court has granted ad-interim relief in terms of prayer clauses (a) and (c) of the draft Notice of Motion.

The learned counsel for the appellant has made various submissions including the submission that the trial Court did not have jurisdiction to entertain the suit in the light of reliefs as sought. For said purpose he relied upon the decision in *Saregama India Limited vs. Mahal Pictures Pvt. Ltd.* 2012(7) ALLMR 254. Further relying upon the decision in *Gainda Ram and ors. vs. M.C.D. Town Hall and ors.* (1993) 3 SCC 178 it is submitted that even at the interim stage the aspect of absence of jurisdiction ought to be considered.

After hearing the learned counsel for sometime it is found that the appellant has filed his reply to the aforesaid Notice of Motion before the trial Court. Any adjudication by this Court at the ad-interim stage is not called for as the

Notice of Motion is pending before the trial Court. Interests of justice would be served by directing the trial Court to decide the said notice of motion expeditiously. Accordingly this appeal from order is disposed of by passing the following order :

The trial Court shall decide this Notice of Motion along with other Notice of Motions by the end of February 2019 on their own merits and by considering the contentions as raised. All contentions of the parties are kept open. Mere fact that the trial Court has passed an ad-interim order on 21/06/2018 shall not weigh with the trial Court.

Appeal from Order and Civil Application are disposed of in aforesaid terms.

(A.S.CHANDURKAR, J.)