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

**APPEAL FROM ORDER NO.986 OF 2014
WITH
CIVIL APPLICATION NO.1194 OF 2014
IN
APPEAL FROM ORDER NO.986 OF 2014.**

Pawan S. Agarwal ... Appellant.
V/s.
Ghanshyam S. Agarwal ... Respondent

Mr. Praveen Haldar i/by Om Prakash Singh, for the
appellant.

Ms. Vidhi Thaker, i/by Kunal Bhanage, for respondent
Nos. 2 & 3.

CORAM : DR.SHALINI PHANSALKAR-JOSHI, J.

DATE : 25th SEPTEMBER, 2018.

P.C. :

1] This appeal is of the year 2014. It is arising out of order of
the year 2014, against dismissal of the Notice of Motion.

2] The said order was passed on 09.07.2014. It is more than
four years, since then. the record does not show that any ad-interim
relief was granted during the pendency of this appeal. Since last
more than 3 to 4 dates, the matter is being adjourned on the request
of learned counsel for the appellant. Today also similar request is
made.

3] However, considering that the suit is pending before the

trial Court and no ad-interim relief was granted during pendency of this appeal also, it would be appropriate in the fitness of things to direct the parties to proceed with the hearing of the suit instead of deciding this Appeal.

4] Otherwise also, learned counsel for appellant is seeking one more adjournment that too after lapse of four years from filing of this appeal, the said request is rejected. The appeal is dismissed for default.

5] In view of dismissal of Appeal, pending Civil Application therein becomes infructuous and the same is disposed off accordingly.

[DR.SHALINI PHANSALKAR-JOSHI, J.]