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IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION

APPEAL FROM ORDER No. 55 OF 2016
WITH
CIVIL APPLICATION No. 70 OF 2016

Paul Xavier Vazhacholil & Ors. ... Appellants
Vs.
Smt. Anandvati Vedvyas Mishra & Ors. ... Respondents

Mr. R. D. Suryawanshi, for the Appellants.

Mr. Rajender Singh Saluja, for the Respondent Nos. 1 to 5.

CORAM : V. M. DESHPANDE, J.

DATE : JUNE 25, 2018

ORAL JUDGMENT :-

1. Heard. **Admit.** Learned counsel Mr. Rajender Singh Saluja waives notice for Respondent Nos. 1 to 5. By consent of parties, appeal is taken up final hearing forthwith. Since Respondent Nos. 6, 7 did not contest the notice of motion, there presence is not required for disposal of the present appeal.

2. Present appeal arises out of an order passed by the learned Judge of the City Civil Court, Borivali Division,

Dindoshi, Mumbai, dated 11th August, 2015 in Notice of Motion No. 2574 OF 2014 in S. C. Suit No. 2643 of 2014, whereby present appellants / original defendant Nos. 1 and 2 are restrained from disturbing possession of the plaintiffs over the vehicle bearing No. MH 02 BR 5677 either by themselves or by anybody on their behalf till decision of the suit. They are also restrained from creating any charge over over the said vehicle.

3. Though appeal is filed in 2016, till today no interim order is passed in favour of the present Appellants. Both the learned counsel submit that pleadings are complete in the suit, issues are already framed and suit is ripened for adducing the evidence, and parties will file affidavit in lieu of their evidence. In that view of the matter, in the interest of justice, following order is passed:

- (i) Order dated 11th August, 2015 passed in Notice of Motion No. 2574 of 2014 in S. C. Suit No. 2643 of 2014 is hereby confirmed;
- (ii) The trial court is directed to try and dispose of S.C.

Suit No. 2643 of 2014 as expeditiously as possible and not later than one and half year, on merits and in accordance with law;

- (iii) Appeal is disposed of in the aforesaid terms. Needless to state that pending civil applications filed in the appeal do not survive and are accordingly disposed of.

Sd/-
[V. M. DESHPANDE, J.]

Vinayak Halemath