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

**APPEAL FROM ORDER (ST) NO.27601 OF 2018
WITH
CIVIL APPLICATION (ST) NO.27602 OF 2018**

Ravi Goenka ... Appellant
V/s.
The Bombay Presidency Radio Club
and anr ... Respondents

Ms, Mamta Sadh @ Kainaz Irani and Mr. Narendra
Devansh i/by Anju S. Mishra, for the appellant.
Mr. Sandeep Ashok Bhagwat, a/w Mr. Ratnesh Dube,
for respondent Nos. 1 & 2.

CORAM : DR.SHALINI PHANSALKAR-JOSHI, J.

DATE : 25th OCTOBER, 2018.

P.C. :

- 1] Heard learned counsel for the appellant and respondents.
- 2] This Appeal is directed against the order of refusal of ad-interim relief passed by the trial Court on 24.9.2018 in Draft Notice of Motion in Suit No.12964 of 2018.
- 3] As regards prayer (a) of the Notice of Motion, it is undisputed that it has become infructuous as elections are already held.
- 4] However, as regards prayer clause (b) of the Notice of Motion, the cause of action still subsists and it will be proper that both

parties appear before the trial Court and the trial Court to decide the Notice of Motion in respect of prayer clause (b), as expeditiously as possible.

5] Ordered accordingly.

6] As regards the observations made by the trial Court, in its impugned order, needless to state that the Notice of Motion will be decided by the trial Court, on its own merits, without being influenced by its earlier observations.

6] All the contentions of the parties are expressly left open.

7] The Appeal from Order is disposed off in above terms.

8] In view of disposal of Appeal itself, pending Civil Application therein no more survives and the same is disposed off accordingly.

[DR.SHALINI PHANSALKAR-JOSHI, J.]