

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE SIDE

APPEAL FROM ORDER ST. NO.30303 OF 2018
WITH
CIVIL APPLICATION ST. NO.30304 OF 2018

Hajrabi Ganni Sayyed

-vs-

Density Realty Private Limited

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

Court's or Judge's Orders.

Shri Manoj P. Mhatre, Advocate for appellant.
Shri P. S. Dani, Senior Advocate with Shri V. D. Shetty,
Advocate for respondent No.1.

CORAM : A.S.CHANDURKAR, J.

DATE : November 28, 2018

The original plaintiff has filed this appeal being aggrieved by the order passed by the trial Court on 11/10/2018 refusing to grant ad interim relief in favour of the plaintiff.

It is submitted on behalf of the appellant that before the trial Court an ad interim relief was sought with regard to clause-(c) in the notice of motion. However the trial Court has refused to grant any ad interim relief with regard to prayers (a) to (c). This submission is however opposed by the learned counsel for the respondent.

Be that as it may. Considering the fact that reply of the defendants would be necessary while considering the aspect of grant of interim relief and the fact that the said notice of motion is now kept on 16/01/2019 the interests of justice would be served by passing the following order :

(i) The defendants shall file their reply to the notice of motion by 15/01/2019. The trial Court shall decide the said notice of motion expeditiously and preferably by

31/03/2019.

(ii) It is clarified that all contentions of parties are kept open and the trial Court may not be influenced by the fact it had refused to grant ad interim relief in said notice of motion.

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

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(A.S.CHANDURKAR, J.)