

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

**APPEAL FROM ORDER (ST.) NO. 31891 OF 2018
WITH
CIVIL APPLICATION (ST.) NO.31894 OF 2018
IN
APPEAL FROM ORDER (ST.) NO. 31891 OF 2018**

1. Pista Devi Chordiya & Anr. .. Appellants
Vs.
1. Smt. Pushpa Bharkatkumar Chordiya
& Ors. .. Respondents

Mr. Ravish Mishra, Advocate for appellants.

Mr. Mahesh Tiwari, Advocate for respondent Nos.1 to 3.

**CORAM : A.S. CHANDURKAR, J.
DATE : 4TH DECEMBER 2018**

P.C.

1 Heard the learned counsel for the appellants and the learned counsel for respondent Nos.1 to 3.

2 The appellants are the original plaintiffs who are aggrieved by the order passed by the trial Court refusing to grant ad-interim relief so as to restrain the respondent Nos.1 to 3 from alienating the suit property.

3 After hearing the learned counsel for parties, it is seen that the trial Court has observed that it would be necessary to hear the other side before considering the prayer for grant of interim relief. The learned counsel for respondent Nos.1 to 3, on instructions from respondent No.1, makes a

statement that till the subject notice of motion would be heard by the trial Court, the respondent No.1 does not intend to alienate the suit property. Accordingly, the present appeal is disposed of by passing the following order :-

ORDER

(i) The defendant Nos.1 to 3 shall file their reply to the aforesaid Notice of Motion on the next date as assigned by the trial Court.

(ii) Till the said Notice of Motion is heard by the trial Court, the statement as made by the respondent No.1 would continue to operate without prejudice to the rights of parties. The Notice of Motion be decided on its own merits and in accordance with law.

4 The appeal and the civil application are accordingly disposed of.

(A.S. CHANDURKAR, J.)