

psv

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
ORDINARY ORIGINAL CIVIL JURISDICTION
APPEAL (L.) NO.56 OF 2018
IN
NOTICE OF MOTION (L.) NO.68 OF 2018
WITH
NOTICE OF MOTION (STAMP) NO.73 OF 2018**

Virji Devraj Gada	...Appellant
Vs.	
Avinash Pai Raiturkar & Ors.	...Respondents

Mr.J. Reis, Senior Counsel, with Mr.Ashutosh Gavnekar, Mr.B.Reis, Mr.Ajit Tamhane, Ms.Savita Sawalkar i/b. Tamhane and Company for Appellant.

Mr.Mayur Khandeparkar i/b. Gandhar Raikar for Respondent Nos.1 to 5.

**CORAM : NARESH H. PATIL AND
G.S. KULKARNI, JJ.**

DATE : 3rd APRIL 2018

P.C.:

1. This appeal of defendant no.1, arises against the impugned ad-interim order dated 19 January 2018 passed by the learned Single Judge in Notice of Motion (Lodg) No.68 of 2018 whereby the learned Single Judge was pleased to grant an ad-interim protection to the plaintiffs by restraining the defendants from creating any third party rights or parting with possession of the 1/12th share in the suit property described in Exhibit-B to the plaint and 1/6th share in the property described in Exhibit-N to the plaint.

2. The learned Single Judge while granting the said ad-interim relief has directed that replies to the notice of motion be filed within four weeks and rejoinder be filed within two weeks thereafter, and directed that the notice of motion be listed for hearing after six weeks.

3. We have heard Mr.Reis, the learned Senior Counsel for the appellant and Mr.Khandeparkar, learned Counsel for the respondents 1 to 5.

4. Having considered the nature of the impugned order which is an ad-interim order we are of the opinion that all the contentions which are being urged by the appellant in this appeal, can very well be urged by the appellant in the pending notice of motion, on which the impugned ad-interim order is passed. The appellant is yet to file a reply to the notice of motion.

5. We accordingly propose to dispose of this appeal keeping open all contentions of the appellant and the respondents to be agitated before the learned Single Judge in the pending notice of motion. The appellant's reply to the notice of motion be filed within one week from today.

6. Needless to observe that the learned Single Judge shall decide the notice of motion on its own merits and without being influenced by the impugned ad-interim order.
7. Notice of motion be considered as expeditiously as possible. The appellants are at liberty to approach the learned Single Judge with a request to take up the hearing of the notice of motion.
8. Appeal is disposed of in the above terms. No costs.

[G.S. KULKARNI, J.]

[NARESH H. PATIL, J.]