

IN THE HIGH COURT OF JUDICATURE AT BOMBAY

ORDINARY ORIGINAL CIVIL JURISDICTION

APPEAL (lodg) NO. 335 OF 2018

D.Nareshkumar Exports Pvt.Ltd.

...Appellants

vs.

1.Tushar Diamonds & Ors.

...Respondents

with

NOTICE OF MOTION (LODG) NO.736 OF 2018

Mr.Ruchir Tolat with O.S.Kamwal i/b. J.V.Parmar, for the Appellants.

Mr.Karl Tamboly & Mr.Anuj Desai with Ms.Khooshnum R.Deviervalva & Mr.Yazdi P.Jijina I/b. Mulla & Mulla & Craigie Blunt & Caroe, for Respondent Nos.1 to 3.

**CORAM : NARESH H. PATIL ACTING CJ &
G.S. KULKARNI, J.**

DATE : 13th August, 2018

P.C.:

1. This is an appeal by the plaintiffs who are aggrieved by the order dated 4th July,2018 passed by the learned Single Judge thereby refusing the ad-interim relief.

2. The learned Counsel for the appellants submits that it is very likely that the respondents would create third party rights and which would create multiplicity of the litigation and the plaintiff may

suffer irreparable loss and prejudice to the steps which they likely to take. The learned Counsel for the appellants submits that the notice of motion is for hearing today before the learned Single Judge.

3. The learned Counsel for the respondents submits that the defendants intend to enter into an agreement with a party and to that effect they have made necessary application to the society.

4. We have heard the learned Counsel for the parties. We have perused the impugned order. We find that the impugned order is an ad-interim one and the notice of motion is listed by the learned Single Judge for final hearing. We find that it will be appropriate for the appellants to approach the learned Single Judge for early hearing of the notice of motion. The learned Counsel is at liberty to take necessary steps.

5. The appeal is disposed of accordingly.

6. As the appeal is disposed of, pending notice of motion does not survive, it is disposed of.

Prashant
Vilas
Rane

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by Prashant
Vilas Rane
Date:
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G.S. KULKARNI, J.

ACTING CHIEF JUSTICE