

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
ORDINARY ORIGINAL CIVIL JURISDICTION**

**COMMERCIAL APPEAL (L) NO.493 OF 2018
IN
NOTICE OF MOTION NO.2119 OF 2018
IN
COMMERCIAL SUIT NO.1260 OF 2018**

**Soni & Associates and another ..Appellants
Versus
The Chief Executive Officer and others ..Respondents**

**WITH
NOTICE OF MOTION (L) NO.1181 OF 2018
IN
COMMERCIAL APPEAL (L) NO.493 OF 2018
IN
NOTICE OF MOTION NO.2119 OF 2018
IN
COMMERCIAL SUIT NO.1260 OF 2018**

**Soni & Associates and another ..Applicants
Versus
The Chief Executive Officer and others ..Respondents**

**Mr. Joaquim Reus, Senior Advocate a/w Mr. Rajesh N. Kachare
& Mr. Ameet Anand Palkar, Advocate for the Appellants/
Applicants.**

**Mr. Sameer Kadam I/by Mr. Anoop Patil, Advocate for
Respondent No.1.**

**Mr. Ashish Kamat I/by Ms. Sheela Mistry, Advocate for
Respondent No.2.**

**Mr. Karl Tamboly a/w Mr. Ashish Dubey, Advocate for
Respondent No.3.**

**Mr. Bhushan Mahadik a/w Mr. Dhiren Shah I/by M/s. Vimla &
Co., Advocate for Respondent No.4.**

**Mr. Dadasaheb Singade, Advocate for Respondent No.6 –
MCGM.**

**CORAM : B. R. GAVAI &
RIYAZ I. CHAGLA, JJ.
DATE : 26th NOVEMBER, 2018**

P.C.

1] The Appeal challenges the order passed by the learned Single Judge dated 23rd October 2018, thereby rejecting the prayer made by the Appellants for ad-interim relief.

2] Learned Single Judge has found that the suit is filed for a declaration that the order dated 15th January 2014 passed by the Respondent No.1 was bad in law. It has further been found that the order dated 15th January 2014 was impugned by way of Writ Petition No.1044 of 2014, which came to be dismissed by the Division Bench of this Court vide order dated 29th July 2015. It has further been found that present suit came to be filed in the month of July 2018 and the prayer for ad-interim relief was sought to be made for the first time in the month of October 2018. Taking into consideration the dates given by the learned Single Judge in his order, we find no infirmity in the order passed by the learned Single Judge warranting interference in the appellate jurisdiction. It is

further to be noted that the learned Single Judge has himself directed the motion to be kept for final disposal on 5th December 2018. 5th December 2018 is hardly one week from today. In that view of the matter, the Appeal is dismissed.

3] In view of the disposal of Appeal, Notice of Motion No.1181 of 2018 does not survive and accordingly stands disposed of.

4] The learned Single Judge is requested to hear and decide the motion as proposed.

[RIYAZ I. CHAGLA, J.]

[B. R. GAVAI, J.]