

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

**COMMERCIAL APPEAL (L) NO.558 OF 2018
IN
NOTICE OF MOTION (L) NO.2877 OF 2018
IN
COMMERCIAL SUIT (L) NO.1622 OF 2018**

M/s. Bee Ess Realtors	..Appellant
Versus	
Anand Ramchandra Nerurkar	..Respondent

**WITH
NOTICE OF MOTION (L) NO.1331 OF 2018
IN
COMMERCIAL APPEAL (L) NO.558 OF 2018
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M/s. Bee Ess Realtors	..Applicant
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IN THE MATTER BETWEEN

M/s. Bee Ess Realtors	..Appellant
Versus	
Anand Ramchandra Nerurkar	..Respondent

**Ms. Tanmayi a/w Mr. Mukul Taly, Ms. Malika Taly, Ms. Aditi P.
I/by M/s. S. Mahomedbhai and Co., Advocate for the
Appellant/Applicant.**

**Mr. Prasad Dani, Senior Advocate a/w Mr. Harshad Bhadbhade,
Ms. Juilee Ghadge, Advocate for the Respondent.**

**CORAM : B. R. GAVAI &
RIYAZ I. CHAGLA, JJ.
DATE : 19th DECEMBER, 2018**

P.C.

1] The Appeal challenges the order passed by the learned Single Judge dated 3rd December 2018, vide which only ad-interim relief is refused.

2] The learned Single Judge has observed that the relief prayed is based on an oral agreement, which requires evidence to be led. Even learned counsel for the Plaintiff agrees that no payment has been made yet to the Defendant and expressed willingness to deposit an amount of Rs.2 crores in this Court.

3] The learned Single Judge while rejecting the ad-interim relief has stated that ad-interim relief is refused only on the basis of prima-facie view and the Court has not expressed any observations on merits.

4] As such, learned Single Judge has not foreclosed the matter. If the Appellant has any material to substantiate the claim, the same can always be pointed out at the stage of hearing of

Motion. The Appeal is therefore rejected.

5] In view of disposal of Appeal, the Notice of Motion (L) No.1331 of 2018 does not survive and accordingly stands disposed of.

[RIYAZ I. CHAGLA, J.]

[B. R. GAVAI, J.]