

Urmila Ingale

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION
APPEAL FROM ORDER NO. 550 OF 2019
IN
CIVIL APPLICATION NO. 628 OF 2019

Mrs.Hina Sheerazi and anr.	.. Appellants
Vs.	
Mr.Akhtar Iftexhar Husain	.. Respondent

Mr.Hemen S.Thakkar, for the Appellants.

CORAM : M.S.KARNIK, J.

DATE : 03rd JULY, 2019

P.C. :

Heard learned Counsel for the appellants.

2. Learned Counsel for the appellants seeks leave to rely upon the list of the documents which he has tendered today. One of the documents is an extract of the record of the Mumbai Municipal Corporation which is at page 16 to the said compilation. The entry at item 265 shows that the structure mentioned therein stands in the name of Iftexhar Husain. Relying on these documents, learned Counsel for the appellants

would submit that third party rights are not yet created. He would invite my attention to the impugned order of the trial Court wherein the trial Court has relied upon the statement of the learned Counsel for the defendant that third party interest is already created and rejected the prayer for ad-interim relief.

3. The documents which have now tendered and relied upon by the appellants were not before the trial Court when the order dated 17/12/2018 was passed.

4. In this view of the matter, in my opinion, interest of justice would be sub-served if the said documents are allowed to be relied upon by the appellants before the trial Court. The appellants may move an appropriate application for considering the prayer for grant of ad-interim relief on the basis of the documents now relied upon.

5. If such an application is made, the trial Court will obviously consider the prayer for grant of ad-interim relief on its own merits and in accordance with law. The said application

may be considered without being influenced by the observations made in the order dated 17/12/2018. The trial Court may also consider hearing of the Notice of Motion itself expeditiously.

6. With these observations, Appeal from order is disposed of. In view of disposal of the Appeal from Order, Civil Application No. 628 of 2019 does not survive and the same stands disposed of.

(M.S.KARNIK, J.)