

Urmila Ingale

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION
APPEAL FROM ORDER STAMP NO.17708 OF 2019
WITH
CIVIL APPLICATION STAMP NO. 17710 OF 2019**

Sethia Infrastructure Private Limited	.. Appellants
Vs.	
New India Convoy Drivers Union	.. Respondent

Mr.Atul Damale, Senior Advocate a/w Mr.Sanjeev Singh,
Mr.Mr.Ritesh Singh, Mr.Samir B. & Mr.Manish Singh, for the
Appellants.

Mr.Rajeev Narulla a/w Mr.Mukesh Pandey & Mr.Ashok Yadav,
for Respondent.

CORAM : M.S.KARNIK, J.

DATE : 26th JUNE, 2019

P.C. :

Heard learned Counsel for the appellants.

2. The appellants – original defendants are challenging the order dated 10/06/2019 passed by the learned Ad-hoc Judge, City Civil Court, Borivali Division, Dindoshi, Goregaon, Mumbai. By the order impugned, the trial Court has granted ad-interim relief in the Notice of Motion No. 1798 of 2019 filed

by the plaintiffs in terms of prayer clauses (a) to (c) till filing of the reply by the defendant.

3. Learned Senior Counsel for the appellant – original defendant assailed the order of the trial Court on various grounds. He would submit that this was not a fit case for granting ad-interim relief in terms of prayer clauses (a) to (c) at this stage when the reply is yet to be filed by the defendant. He would submit that even his reply is ready. The principle grievance of the learned Senior Counsel for the defendant at this stage is that taking advantage of the ad-interim order, the respondent – original plaintiff is trying to barricade the suit premises by putting up bamboos.

4. Learned Counsel for the respondent would submit that in view of ad-interim order passed, he would remove the barricades which were only put up temporarily for protecting the vehicles which are parked in the suit property.

5. In view of statement made by the learned Counsel for the respondent that barricades would be removed and as the reply to the Notice of Motion to be filed by the defendant is ready and even served on the respondent today, the following order in my opinion would meet the ends of justice.

ORDER

(i) The reply to the Notice of Motion would be filed by the appellant on 28/06/2019 which is the next date fixed for hearing before the trial Court.

(ii) The rejoinder, if any, to be filed by the plaintiff within a period of 2 weeks from 28/06/2019.

(iii) The learned trial Judge to hear the Notice of Motion as expeditiously as possible and in any case, within a period of 6 weeks from the date of filing of the rejoinder.

(iv) All the contentions are kept open. Needless to mention, while deciding the Notice of Motion, the trial Court will not be influenced by what is observed in the impugned order or any observations made in this order.

6. Appeal from order is disposed of in the above terms.
7. In view of the disposal of the Appeal from Order, Civil Application does not survive and the same shall stand disposed of accordingly.

(M.S.KARNIK, J.)