

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION**

**APPEAL FROM ORDER NO.933 OF 2019
WITH
INTERIM APPLICATION NO.1 OF 2019**

Hemant Sitaram Gharat

And Others

... Appellants

Versus

M/s Ashapura Housing Pvt. Ltd.

And Others

... Respondents

.....

Mr. Sandesh D. Patil a/w Ms. Divya Arvind Pawar (Patil) i/b Mr. Kiran Bhagat for the Appellants.

Mr. Vineet Naik, Senior Advocate a/w Ms. Prachi Patel i/b Mr. Santosh Pathak for Respondent Nos.1 to 3.

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CORAM : S.C. GUPTE, J.

DATE : 10 OCTOBER 2019

P. C. :

. After the matter is heard at some length, it is agreed between learned Counsel for the parties that the Appeal from Order may be disposed of by directing the trial court to expedite the hearing of the suit and decide the suit on its own merits without being in anyway influenced by the observations made in the impugned order passed in the notice of motion. The Appeal from Order is, accordingly, disposed of by directing the City Civil Court, Dindoshi, Mumbai to expedite the hearing of Short Cause Suit No.1229 of 2019. The trial court shall decide the suit on its own merits and without in anyway being

influenced by the observations made in the impugned order dated 3 September 2019.

2 In view of the disposal of the appeal, the Interim Application does not survive and is disposed of.

(S.C. GUPTE, J.)