

DDR

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

APPEAL FROM ORDER NO. 1250 OF 2012

Ashok Gulabchand Shah & ors.	..Appellants
vs.	
Ingrin D'Silva & ors.	..Respondents

....

Shri Subhash P. Nalavade for appellants.
Shri Pratik P. Amin for respondent Nos. 1 to 9, 14 & 15.

....

CORAM : M.S.KARNIK, J.

DATE : 3rd JULY, 2019

P.C. :

The appellant is the original plaintiff. The challenge in this appeal is to an order dated 18/10/2012 passed by the Judge, City Civil Court, Dindoshi, Mumbai, dismissing the Notice of Motion No. 2489 of 2010.

2. This Appeal was admitted on 12/12/2012. Learned Counsel for the appellant states that the suit is fixed for hearing and even the affidavit of evidence of the plaintiff is filed.

3. Since the year 2009 there is no ad-interim or interim

operating in favour of the plaintiff. Learned Counsel for the appellant would further point out that the observations made in the impugned order may have a bearing and may affect the decision in the suit.

4. In view of the settled position of law the apprehension of learned Counsel for the appellant is not at all well founded.

5. Needless to mention that the suit will be decided on its own merits and without being influenced by any observations made in the impugned order. Since the suit is of the year 2009, the trial Court is requested to expedite the hearing of the suit and decide the same preferably within a period of 1 year from today.

6. The Appeal is disposed of.

(M.S.KARNIK, J.)