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

**APPEAL FROM ORDER NO. 200 OF 2018
WITH
CIVIL APPLICATION NO. 259 OF 2018
IN
APPEAL FROM ORDER NO. 200 OF 2018**

Quaid Johar Maqbul Hussain Miyajiwala
& ors. ..Appellants

vs.

Bismilla Ali Asgar Bhanpurwala & ors. ..Respondents

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Mr. A.J. Uniyal for appellants.

Ms. Naseem Patrawala a/w. Ms. Nusrat Chaudhary for
respondent No.1.

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CORAM : M.S.KARNIK, J.

DATE : 1st JULY, 2019

P.C. :

The first order under challenge is dated 12th October, 2017. By this order the trial Court directed the defendant Nos. 1 to 8 to pay Rs.50,000/- i.e. Rs.6,250/- each to the plaintiff before 15/10/2017. This is in peculiar facts that the plaintiff was pregnant and she was in urgent need of financial help.

2. Learned Counsel for the appellants would submit that the said amount has also been paid to the plaintiff without prejudice. In any case, said payment was made subject to the result of the Notice of Motion.

3. In this view of the matter, the impugned order calls for no interference at this stage. I am inclined to direct the trial Court to decide the Notice of Motion itself within a period of 10 weeks from today.

4. The second order under challenge is dated 7th November, 2017. By this order the trial Court observed that no adjournment applications at the instance of the defendants will be entertained and in the event an adjournment is sought the defendants would be liable to pay Rs.50,000/- per month as per order dated 12/10/2017.

5. In the light of the fact that I have already directed the trial Court to decide the Notice of Motion itself finally within a period of 10 weeks from today and in view of the assurance of

the parties that they will not seek unnecessary adjournments for the decision on the Notice of Motion, accepting the said undertaking made on behalf of the parties, no order need be passed on this Appeal From Order so far as order dated 7/11/2017 is concerned. As the appellants have undertaken to cooperate with the disposal of the Notice of Motion, the order dated 7/11/2017 now need not be acted upon.

6. The Appeal from Order is disposed of.

7. In view of the disposal of the Appeal from Order, nothing survives for consideration in the Civil Application. The Civil Application is disposed of.

(M.S.KARNIK, J.)