

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

**APPEAL FROM ORDER (ST.) NO.9361 OF 2018
WITH
CIVIL APPLICATION (ST.) NO.9363 OF 2018**

Office Notes, Office Memoranda of Coram, Appearances, court's orders or directions and Registrar's orders	Court's or Judge's orders
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Mr.Anil S. Kharatmol for the appellant

**CORAM : K. K. TATED, J
DATE : APRIL 1, 2019**

P.C.:

. Heard.

2 By this Appeal from Order, appellant original plaintiff is challenging the order dated 28.2.2018 passed by Bombay City Civil Court at Bombay in Notice of Motion No.3978 of 2015 in Special Civil Suit No. 2472 of 2018 dismissing appellant's Notice of Motion.

3 Considering the submissions made by the learned counsel for the Appellant and the averments made in the Appeal from Order it is

necessary to issue notice to the other side. There is no question of granting any ad-interim relief at present.

4 Considering paragraph 9 of the impugned order which specifically states that earlier Namdev Laxman Shinde filed Special Civil Suit No. 1472 of 2012 for the same suit premises i.e. room no.212 and same was dismissed for default on 08.08.2014 and thereafter, immediately plaintiff filed present Suit. Hence, following order is passed:

a Registry is directed to issue notice before admission to the Respondent returnable on 21.06.2019.

b In addition to usual mode of service, the appellant is permitted to serve the Respondent along with entire proceedings by way of private notice either by RPAD and/or by hand delivery and to file an Affidavit of service to that effect on or before 7.6.2019.

c Earlier ad-interim relief granted by this court stands vacated.

d At present, no ad-interim relief.

(K.K.TATED, J.)