

IN THE HIGH COURT OF JUDICATURE AT BOMBAY**CIVIL APPELLATE JURISDICTION****APPEAL FROM ORDER NO. 250 OF 2021
WITH
INTERIM APPLICATION NO. 2280 OF 2021**

Sardesai Engineering Pvt. Ltd. & Ors.

... Appellants

V/s.

Mahadeo Appasaheb Jagtap

... Respondent

Dr.Birendra Saraf, Senior Advocate a/w. Mr.Shanay Shah i/b. Mr.Sumit Kothari and Mr.Amit Surve for Appellants.

Mr.Sachin Mandlik a/w. Mr.Aman Kacheria and Mr.Abhishek Prabhu i/b. Mr.Amol Kumeria for Respondent.

CORAM : A.S. GADKARI, J.

DATE : 13th September 2021.

PC. :

1. Heard learned counsel for both the parties.
2. Dr.Saraf, learned counsel for the Appellants submitted that, in view of grant of prayer Clause (a) in Notice of Motion No.494 of 2021 in Suit No.533 of 2021 at ad-interim stage by the Trial Court amounts to bringing at halt, the functioning of the Appellant No.1-Company, incorporated under the Companies Act, 2013. I find substance in the said submission.
3. As the Order impugned herein is against grant of ad-interim relief, it would be appropriate to wait till the Trial Court decides the said

Motion finally. This Court therefore refrains from making any observation on the merits of the matter at this stage.

4. In view of the above, prayer Clause (a) from the operative part of impugned Order dated 31st August 2021 is deleted.

Rest of the portion of operative part of Order dated 31st August 2021 is maintained.

5. Appeal is disposed off in the aforesaid terms.

6. In view of disposal of Appeal from Order, Interim Application No.2280 of 2021 does not survive and is accordingly disposed off.

7. The learned Judge seized of Notice of Motion No.494 of 2021 in Suit No.533 of 2021 is requested to expedite the hearing of the said Motion.

8. The Trial Court shall not get influenced by the observations made by this Court at this stage and both the parties are at liberty to raise their contentions before the Trial Court at the time of hearing of the said Motion.

[A.S. GADKARI, J.]

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