

IN THE HIGH COURT OF JUDICATURE AT BOMBAY**CIVIL APPELLATE JURISDICTION****APPEAL FROM ORDER NO. 287 OF 2021****WITH****I.A. NO. 2578 OF 2021****IN****APPEAL FROM ORDER NO. 287 OF 2021**

Sachi Molding Solutions
Private Limited Through its
Dire. M.R. Ravi Krishnakant Mody

....Appellant/
Applicant.

Vs.

Shrinidhi Safe Vault
Private Limited & Anr.

.....Respondents.

Mr. Jai Chhabria a/w Mr. Prateek Pai, Mr. H.R. Melanta, Mr. Dhaval Patil &
Mr. Mihir Mody i/by K. Ashar & Co. for the Appellant/Applicant.
Mr. Girish R. Agrawal for the Respondent No.1.
Mr. V.V. Phadke for the Respondent No.2.

CORAM : A. S. GADKARI, J.
DATE : 29th SEPTEMBER, 2021.

PC.:-

The principal grievance of the Appellant/Applicant (Original Defendant No.2) in the present Appeal is that, before passing of the impugned Order dated 3rd September, 2021, below Exh-5, in Special Civil Suit No.6 of 2020, pending on the file of the learned Civil Judge, SD & CJM Silvassa (D&NH), the Appellant/Applicant was not given an opportunity of being heard in the matter.

2 Mr. Agrawal, learned Advocate for the Respondent No.1 (Original-Plaintiff & Defendant No.2) fairly submitted that, he has no objection if the Appellant/Applicant is heard on next occasion on the said Application filed below Exh.5 by his client.

3 Learned counsel for the Appellant/Applicant submitted that, the Trial Court has now scheduled the hearing of the said Application on 1st October, 2021.

 In view thereof, learned Civil Judge, SD & CJM Silvassa (D&NH), is hereby directed to grant an opportunity of being heard to the Appellant/Original Defendant No.2 before passing further Orders on the said Application filed below Exh-5 in the said Suit.

 The learned Civil Judge, SD & CJM Silvassa (D&NH) is also requested to consider the Application filed below Exh-18 by the Appellant (Original Defendant No.2) under Order-7 Rule 11 of the Code of Civil Procedure and to decide it as expeditiously as possible.

4 In view of the above, nothing further survives in the present Appeal. Appeal is accordingly disposed off, in the aforesaid terms.

 In view of disposal of Appeal from Order itself, Civil Application No.2578 of 2021 does not survive and is also disposed off.

(A.S. GADKARI, J.)

SANJIV
SHARNAPPA
MASHALKAR

Digitally signed
by SANJIV
SHARNAPPA
MASHALKAR
Date: 2021.09.30
17:39:26 +0530