

IN THE HIGH COURT OF JUDICATURE AT BOMBAY**CIVIL APPELLATE JURISDICTION****APPEAL FROM ORDER NO. 389 OF 2021
WITH
INTERIM APPLICATION NO. 3198 OF 2021**

Bipin Madhusudan Morjaria and Anr.

... Appellants

V/s.

Jayesh Vinayak Choudhary and Ors.

... Respondents

Mr. D. V. Sawant a/w Mr. Paras Oza i/b. Mr. Rakesh Agrawal for Appellants.
Mr. J. K. Shah a/w Mr. Sunil Dubey a/w Tanmay Rane i/b. Adv.T.R. Patel for
Respondent Nos.1 to 6 and 8.

CORAM : A.S. GADKARI, J.

DATE : 15th November, 2021.

PC. :

1. By the impugned Order dated 21st October, 2021, Trial Court has refused to grant ad-interim relief in favour of the Appellants/original Plaintiffs.

2. Record indicates that, by an Order dated 5th November, 2021, this Court had granted ad-interim relief in favour of Appellants and Respondents have been restrained from obstructing the entry and exit of the Appellants/original Plaintiffs in the suit premises described in the original suit, till today.

3. It is an admitted fact on record that, the Notice of Motion

No.2221 of 2021 preferred by the Appellants/original Plaintiffs is pending for final adjudication.

In view thereof, it will be appropriate in the interest of justice to continue ad-interim relief granted by this Court by Order dated 5th November, 2021 till disposal of the said Notice of Motion No.2221 of 2021.

4. The learned Additional Sessions Judge, City Civil & Sessions Court, Borivali Division, Dindoshi, Mumbai is requested to expedite the hearing of the said motion.

5. It is needless to mention that, both the parties herein are at liberty to raise their contentions before the Trial Court at the time of hearing of the said Notice of Motion.

6. Nothing further survives in the present Appeal and is accordingly disposed off.

In view of disposal of present Appeal itself, Interim Application No.3198 of 2021 does not survive and is accordingly disposed off.

[A.S. GADKARI, J.]