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Date: 2022.02.09
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**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION**

**APPEAL FROM ORDER NO. 103 OF 2022
WITH
INTERIM APPLICATION NO. 557 OF 2022
IN
APPEAL FROM ORDER NO. 103 OF 2022**

Amar Co-op. Hsg. Limited ...Appellant

Versus

Amar Pandharinath Bhandhari ...Respondent

.....
Mr. Manoj Shukla i/b. Mr. Harideep Singh for the Appellant.
Mr.O.P. Tiwari for the Respondent.
.....

CORAM: V.G.BISHT, J.
DATE: 9th February, 2022
PC:- (Through Video Conferencing)

1. Heard learned Counsel for the appellant and respondent.
2. I have also gone through the impugned order dated 18th January, 2022 passed by learned Ad-hoc City Civil Judge, City Civil Court, Dindoshi, Mumbai in Notice of Motion No. 316 of 2009 in S.C. Suit No. 773 of 2009.
3. It appears that on the day of passing of the impugned order, learned counsel for the appellant /

plaintiff had filed additional affidavit in support of notice of motion and prayed for interim relief to which respondent/ defendant requested time to file reply and accordingly, the trial Court was pleased to grant time in the matter.

4. I am now told that the matter was listed day before yesterday but because of public holiday, the matter could not be taken up by trial Court. Since there is no order on merits, it is necessary to direct the appellant to go before the trial Court and get the controversy settled. I accordingly direct so.

5. In view of above, the trial Court is directed to decide the Notice of Motion expeditiously and preferably within four weeks from the date of receipt of this order.

6. The appeal from order to stand disposed of accordingly.

7. In view of disposal of appeal from order, nothing survives in the interim application and accordingly stands disposed of.

(V.G.BISHT, J.)