

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION
APPEAL FROM ORDER NO. 346 of 2022
WITH
INTERIM APPLICATION NO.2412 OF 2022
IN
APPEAL FROM ORDER NO. 346 OF 2022

M/s.Tapodhan Griha Sahakari Society .. Appellants
Ltd thru Administrator Mr.Aroskar
and Anr

Versus

M/s.Matra Realty and Developers Ltd .. Respondents
and ors

...

Mr.Ashok M. Saraogi for the appellants.
Mr.Anil R. Mishra for the respondents.

CORAM: BHARATI DANGRE, J.
DATED : 12th APRIL, 2022

P.C:-

1 The present Appeal can be disposed off with a direction being issued to the City Civil Court and Addl. Sessions Judge, who has passed an order on 17/3/2022, conferring ad-interim relief in terms of prayer clauses (a) and (b) in favour of the plaintiff in the Notice of Motion.

2 Heard the learned counsel for the appellant and the respondent and perused the impugned order.

 It is apparent that the said order is passed in a Notice of Motion on a particular date when the counsel for the defendant sought time for argument.

3 The plaintiff was insisting for interim relief and being convinced that the conduct of the defendant is to delay the hearing of Notice of Motion, ad-interim relief is granted by the learned Judge.

4 The learned counsel for the respondent would submit that the Notice of Motion was filed in March 2021 and repeatedly, adjournments were sought by the defendant and this constrained the learned Judge to pass the impugned order. In any contingency, before granting ad-interim relief which was imperative for the learned Judge to record the merits of the matter and to pass an order after hearing the learned counsel for the defendant, since no reasons are indicated in the impugned order, I deem it fit to remand the matter to the learned Judge for passing a reasoned order after affording opportunity of hearing to the defendant.

 The respective counsel are at consensus that they shall appear before the City Civil Court and Addl. Sessions Judge on 25/4/2022, and take out a praecipe for taking out a case on Board. Upon such praecipe being moved, the learned Judge shall

take up the hearing of the Notice of Motion No.1017/2021 in Suit No.784/2021.

By hearing the respective sides, he shall either confirm the order or vary the same on merits by a reasoned order.

AO is disposed off.

In view of the disposal of AO, Interim Application No.2412/2022 do not survive and is disposed off accordingly.

Till the date of hearing, the ad-interim relief shall continue to remain in operation.

(SMT. BHARATI DANGRE, J.)