

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

***APPEAL FROM ORDER NO.28 OF 2019
WITH
CIVIL APPLICATION NO.32 OF 2019***

M/s. U.S.Realty Private Limited
THR. Mr. Manish Janu Yadav ...Appellant
Vs
Mr. Dosu Arseshir Bhiwandiwalla
and Ors. ...Respondents

...

Mr. Dharmesh Joshi i/by Law Counsellors for the
Applicant/Appellant.
Mr. S.B.Shetye for R.No.2.
Ms. Tanaya Goswami for R.No.3.

***CORAM : SANDEEP K. SHINDE J.
DATE : MARCH 14, 2022.***

P.C. :

The Appeal challenges the ad-interim order dated 3rd November, 2018 passed below Exhibit 5 in Special Civil Suit No.533 of 2018 instituted by the appellant/plaintiff. Mr. Shetye, learned counsel appearing for respondent no.1, on instructions submits that Exhibit 5 Application has been disposed of by trial Court vide order dated 9th November, 2021. As a consequence, impugned order dated

3rd November, 2018, has merged in order dated 9th November, 2021.

For that reason, appeal is rendered infructuous.

2 Appellant submitted that the National Company Law Tribunal, Mumbai Branch vide order dated 29th January, 2020 has appointed Interim Resolution Professional to carry the functions as mentioned in 1.B. Code and, therefore, appeal may not be proceeded with. However, since appeal is rendered infructuous, for the reasons noted above, submission of appellant requires no consideration.

3 For all that reasons, appeal is disposed of.

(SANDEEP K. SHINDE, J.)