

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

APPEAL FROM ORDER NO. 32 OF 2023

SANTOSH
SUBHASH
KULKARNI

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Gorima Alamsab Shaikh

...Appellant

Versus

Walkeshwar Chandanbala Cooperative
Housing Society Limited and anr.

...Respondents

WITH

INTERIM APPLICATION NO. 294 OF 2023

Mr. Shailesh Redekar, a/w Bhagyashri Mangade, for the
Appellant/Applicant.

Mr. Mayank Bagla, a/w Mr. Swapan Sandani, for the
Respondents.

CORAM: N. J. JAMADAR, J.

DATED : 19th APRIL, 2023

PC:-

1. Heard the learned Counsel for the parties.
2. This appeal is directed against an order dated 15th December, 2012 passed in draft Notice of Motion in SC Suit No.2807 of 2022, whereby the learned Judge, City Civil Court, declined to grant ad-interim relief. By an order of even date the learned Judge granted protection from eviction for four weeks to facilitate the appellant to prefer appeal.
3. By an order dated 10th January, 2023, this Court has continued the ad-interim protection granted by the learned

Judge by the aforesaid order dated 15th December, 2022 and the same continues to operate till date.

4. The learned Counsel for the respondents submits that the respondents do not wish to file an affidavit-in-reply to the Notice of Motion.

5. In the aforesaid view of the matter, it would be expedient in the interest of justice that the Notice of Motion itself is finally decided by the City Civil Court as the respondents do not desire to file affidavit-in-reply.

6. In the circumstances, the appeal stands disposed with a request to the learned Judge, City Civil Court, to decide the Notice of Motion as expeditiously as possible.

7. In the meanwhile, till the decision of the Notice of Motion, the ad-interim protection granted to the plaintiff shall continue to operate.

8. It is clarified that this Court has not entered into the merits of the matter and the City Civil Court shall decide the Notice of Motion on its own merits and in accordance with law.

9. In view of disposal of the appeal, the interim application does not survive and stands disposed.

[N. J. JAMADAR, J.]