

IN THE HIGH COURT OF JUDICATURE AT BOMBAY

CIVIL APPELLATE JURISDICTION

**APPEAL FROM ORDER NO.80 OF 2023
WITH
INTERIM APPLICATION 1105 OF 2023**

BRIJENDRA PAL SINGH and Anr. ... Appellants

Versus

MS. RENU BIJENDRA SINGH and Anr. ... Respondents

Mr. Vibhav Krishna with Tahir Prande i/b. Juris Consillis, for the Appellants.

Mr. Sahil Sayed i/b. Bahraiz Irani, for the Respondent No.1.

CORAM: G. S. KULKARNI, J.

DATED: FEBRUARY 08, 2023

PC.

- 1.** Heard learned Counsel for the appellants and learned Counsel for respondent No.1.
- 2.** This appeal has been filed assailing an order dated 21 January 2023 whereby the learned Judge of the City Civil Court, Mumbai has observed that on the date of the said order there is no prohibition against defendant no.1 as per the earlier ad-interim order in operating the bank account in question held with respondent no.2-Bank of Maharashtra and accordingly, the proceedings were adjourned. Learned Counsel for the appellants has drawn Court's attention to an order dated

22 December 2020 whereby a statement as made on behalf of respondent No.1 / defendant No.1 came to be recorded that defendant No.1 shall not transact, deal with or create any third party rights in respect of money lying in deposit in the bank accounts in question and the matter was adjourned to 12 January 2021. It is informed by Mr.Vaishnawa, learned Counsel for the appellants such ad-interim protection which was operated in favour of the appellant, shall continue as the motion was to be taken up for hearing.

3. In my opinion, considering the nature of dispute, it is appropriate that the order dated 22 December 2020 needs to operate till the disposal of the notice of motion. It needs to be observed that the issue in the notice of motion is a short issue pertaining to only two bank accounts which are held by the parties with respondent No.2-Bank. One of the accounts which is a joint account could be operated by the parties on “either or survivor” basis and another independent account be operated independently by respondent no.1. Once the issue as to whether respondent no.1 has any right to operate the bank account which is jointly held as also as to what are the rights of the appellants/plaintiffs in respect of the funds which are lying in the accounts of respondent No.1 which is held by her independently are decided, there would certainly be a quietus on the dispute.

- 4.** Let the notice of motion be taken up for hearing and be decided expeditiously within two months from today.
- 5.** All contentions of the parties in that regard are expressly kept open. Also the contentions of respondent No.1 on any application filed for effecting ad-interim protection shall also expressly kept open.
- 6.** Till appropriate orders are passed in any of the interim application, the ad-interim protection granted by an order dated 22 December 2020 shall continue to operate.
- 7.** Disposed of in the above terms. No costs.
- 8.** Needless to observe that the parties shall co-operate in early disposal of the proceedings and in the event, the learned Judge of the City Civil Court, Mumbai is of the impression that any of the parties trying to delay the proceedings, the learned Judge is free to pass appropriate orders.
- 9.** In view of disposal of the appeal, pending interim application would not survive, the same is disposed of.

(G. S. KULKARNI, J)