

Vidya Amin

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

**APPEAL FROM ORDER NO. 288 OF 2016
WITH
CIVIL APPLICATION NO. 372 OF 2016**

Ramawatar Babulal Jajodia

... Appellant/
Applicant

Versus

Deepak Labhshankar Raval

...Respondent

Mr. Anil R. Mishra for the appellant/applicant.

Ms. Prachi Kolamberkar a/w. Ms. Ruchita Chavan i/b. Thodur
Law Associates for the Respondent.

CORAM: G. S. KULKARNI, J.

DATED: 4 January 2023

P.C.

1. Heard Mr. Mishra, learned counsel for the appellant and Ms. Kolamberkar for the respondent.

2. This Appeal from Order is directed against an order dated 19 January, 2016 passed by the learned Judge of the City Civil Court at Dindoshi (Borivali Division), Goregaon, Mumbai whereby Notice of Motion No. 620 of 2015 filed by the appellant/plaintiff in S.C. Suit No. 313 of 2015 has been rejected. The prayer in the Notice of Motion was for appointment of the Court Receiver, High Court, Mumbai, which in any case could not be granted in view of the decision of this Court in

*Girish M. Joshi vs. Jagat Manubhai Parikh & Ors.*¹. Insofar as prayer clause (b) is concerned, it is the prayer for temporary injunction against the defendant pending the disposal of suit, which has also been rejected.

3. Perusal of record of the present appeal would show that there was no interim protection to the appellant for all these years, which is almost a period of more than 8 years. It is informed by the learned counsel for the parties that in the meanwhile the suit has progressed. In these circumstances, in my opinion, it would be appropriate that the suit itself is taken up for adjudication and disposed of as expeditiously as possible. All contentions of the parties on the pending suit are expressly kept open. The appellant/plaintiff is permitted to move an application before the learned Trial Judge for early hearing of the suit. Learned trial Judge may pass appropriate orders in that regard. All the parties are directed to cooperate in the early disposal of the suit.

4. Disposed of in the above terms. No costs.

5. In view of disposal of Appeal from Order, Civil Application would not survive and the same is accordingly disposed of.

G. S. KULKARNI, J

1 Writ Petition No. 2527 of 2009 dated 11 September, 2009.