

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

**APPEAL FROM ORDER NO. 413 OF 2023
WITH
INTERIM APPLICATION NO. 7692 OF 2023**

Pradeep Avadhnarayan Tiwari ...Appellant

Versus

Shambhunath Avadhnarayan Tiwari ...Respondent

Mr. Prithviraj Singh, for the Appellant.

Mr. Deepak Pandey, for the Respondent.

CORAM: N. J. JAMADAR, J.

DATED : 6th JUNE, 2023

PC:-

1. Heard the learned Counsel for the parties.
2. This appeal is directed against an order dated 6th May, 2023, whereby the learned Judge, City Civil Court, declined to grant ad-interim relief.
3. The defendant, who is the brother of the appellant, has already filed written statement. The learned Counsel for the defendant – appellant submits that by the next date before the City Civil Court, defendant – respondent would file affidavit-in-reply to the Notice of Motion.
4. In the circumstances, at this stage, there is no propriety in entertaining the appeal against refusal to grant ad-interim relief.

5. Let the Notice of Motion be decided by the learned Judge, City Civil Court, as expeditiously as possible after providing an opportunity of hearing to the parties.

6. Appeal stands disposed.

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

[N. J. JAMADAR, J.]