



**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION
APPEAL FROM ORDER NO.560 OF 2023
WITH
INTERIM APPLICATION NO.13534 OF 2023**

Anand Sangam Co-op. Hsg. Soc. Ltd. ... Appellant
versus
M/s. Vora Shah and Balsara Ads Pvt. Ltd. & Anr. ... Respondents

Mr. Kunal Bhanage with Mr. Akshay Pawar, for Appellant.
Dr. Abhinav Chandrachud with Ms. Kinjal Patel i/by Ms. Sushma Nagaraj, for
Respondent No.1.

**CORAM: N.J.JAMADAR, J.
DATE : 26 JULY 2023**

P.C.

1. Heard the learned Counsel for the parties.
2. This appeal is directed against the order dated 26 April 2022 passed by the learned Judge, City Civil Court in Notice of Motion No.1244 of 2023 in L.C.Suit No.1886 of 2011 whereby the Appellant-Society has been directed not to cause any obstruction, disturbance to the Plaintiff, their servants, employees to conduct their business at the suit premises, till the final disposal of the Notice of Motion No.2342 of 2011.
2. The learned Judge was also impelled to make Notice of Motion absolute in terms of prayer clauses (b) and (d) which pertain to the grant of police protection to the Plaintiff in the event of any obstruction to the Plaintiff's ingress and egress to the hoarding of the Plaintiff installed in the Society.

3. The genesis of the impugned order is the ad-interim order passed by the City Civil Court on 27 September 2011. The Plaintiffs were constrained to move a fresh Notice of Motion on account of the obstruction allegedly caused by the Appellant-Defendant No.1 Society. The dispute between the parties essentially revolves around the entitlement of the Plaintiff to use the hoarding site situated in the compound of the building – Anand Sangam Co-op. Hsg. Soc. Ltd.

4. Since the genesis of the impugned order is the earlier ad-interim order passed in Notice of Motion No.2342 of 2011, it would be appropriate that the said Notice of Motion which was taken out in the year 2011 is finally decided as the impugned orders are made co-terminus with the final decision of the Notice of Motion.

5. In view of the above, the Appeal stands disposed with a request to the learned Judge, City Civil Court to decide Notice of Motion No.2342 of 2011 in L.C.Suit No.1886 of 2011 as expeditiously as possible and preferably within a period of four months from the date scheduled for the appearance of the parties.

6. The parties shall appear before the learned Judge, City Civil Court on 28 July 2023.

7. The Appeal stands accordingly disposed.

8. Interim Application also stands disposed.

(N.J.JAMADAR, J.)