

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

**APPEAL FROM ORDER NO. 552 OF 2023
WITH
INTERIM APPLICATION NO. 1354 OF 2023**

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Rohan Developers Pvt. Ltd and anr. ...Appellants
Versus
Sameer Shaikh & ors. ...Respondents

Mr. Karl Tamboly, a/w Hrushi Narvekar, Samit Shukla,
Rohaam Pajnigar, i/b DSK Legal, for the Appellants.
Mr. Mayur Khandeparkar, a/w Ziyad Madon, Seeshan Syed,
i/b Rima Kharat, for Respondent No.1.
Mr. Ayush Tiwari, a/w Shekhar Bhagat, for Respondent Nos.2
to 4.

CORAM: N. J. JAMADAR, J.

DATED : 19th JULY, 2023

Order:-

1. Heard the learned Counsel for the parties.
2. This appeal is directed against an order dated 3rd July, 2023 passed by the learned Judge, City Civil Court, Grater Bombay, in Notice of Motion No.2291 of 2023 in Suit No.1373 of 2023, whereby the learned Judge, City Civil Court, declined to grant ad-interim relief to restrain the defendant – respondent from levelling allegedly defamatory insinuations during the pendency of the Notice of Motion.

3. The learned Judge, City Civil Court, was of the view that in the facts of the case an opportunity was required to be given to defendant No.1 to file reply to the Notice of Motion.
4. The Court is informed that the matter is posted for filing reply on 29th July, 2023.
5. Mr. Khandeparkar, the learned Counsel for respondent No.1, on instructions, makes a statement that respondent No.1 would file affidavit-in-reply to the Notice of Motion on 24th July, 2023.
6. Having regard to the nature of the controversy, it may be expedient that the Notice of Motion is finally decided by the trial court, after providing an effective opportunity to the parties.
7. Let the affidavit-in-reply be filed by respondent No.1 on 24th July, 2023 and copies served on the plaintiffs – appellants.
8. The appellants – plaintiffs are at liberty to file rejoinder, if any, within a period of two weeks thereafter.
9. The learned Judge, City Civil Court, is requested to make an endeavour to decide the Notice of Motion as expeditiously as possible and, preferably, within a period of eight weeks from the date of filing of the rejoinder.

10. Mr. Tamboly, the learned Counsel for the appellant, invites the attention of the Court to a communication dated 7th July, 2023 addressed by respondent No.1 to the Advocates for the plaintiffs.

11. Mr. Khandeparkar, the learned Counsel for the respondent No.1, on instructions, submits that the said communication has been withdrawn and apart from the said communication, if any other communication has been addressed to the Advocates of the plaintiffs, the same would also be withdrawn, and that the respondent Nos.1 would not engage in any communication directly with the Advocates of the plaintiffs.

12. The learned Judge, City Civil Court, shall decide the Notice of Motion on its own merits and in accordance with law and without being influenced by the observations in the order rejecting the ad-interim relief.

13. Appeal stands disposed.

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

[N. J. JAMADAR, J.]