

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION
APPEAL FROM ORDER (ST.) NO. 18644 OF 2023
IN
NOTICE OF MOTION NO. 1575 OF 2023
IN
B.C.C.C. S.C. SUIT NO. 971 OF 2023
WITH
INTERIM APPLICATION (ST.) NO. 18646 OF 2023

Prabhakar Menaka Shetty

...Applicant/
Appellant

V/s.

1. Aaryan Realtors & Developers
and Ors.

....Respondents
(Orig. Defendants)

Mr. Sanket M. Mungale, for the Applicant.

Mr. Surel Shah i/by. Mr. Neel Gala, for Respondent Nos.1, 2 and 3.

Mr. Pranav Chavan with Mr. Dipesh Palwankar i/by. Mahesh Menon
& Co. for Respondent No.4.

CORAM : SANDEEP V. MARNE, J.

Dated : 28 November 2023.

P.C. :

1. By the present appeal, the Appellant has challenged order dated 3 May 2023, passed by the City Civil Court rejecting *ad-interim* relief in Notice of Motion No. 1575 of 2023. Considering the fact that substantial period has lapsed from the date of passing of order dated 3 May 2023, instead of examining the correctness of order refusing *ad-interim* relief, it would be appropriate that the City Civil Court takes up Notice of Motion No. 1575 of 2023 for final disposal.

2. Accordingly, the present appeal is **disposed of** with a request to the City Civil Court to decide Notice of Motion No. 1575 of 2023 as expeditiously as possible, preferably within a period of three months from today, without being influenced by any of the observations made in the order order dated 3 May 2023. Mr.Shah, learned Counsel appearing for Respondent Nos.1 to 3 and Mr. Chavan, learned Counsel appearing for Respondent no.4 makes a statement that they shall file reply to the Notice of Motion No. 1575 of 2023 within two weeks from today.

3. With disposal of the Appeal, Interim Application No. 18646 of 2023 does not survive. The same also stands disposed of.

SANDEEP V. MARNE, J.

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