



**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION
INTERIM APPLICATION NO.13681 OF 2023
IN
APPEAL FROM ORDER NO.816 OF 2022**

Ilyas Babu Tambe	...	Applicant
and		
Farid Shaikh	...	Appellant
versus		
Bashir Babu Tambe and Anr.	...	Respondents

Mr. M.V.Holamagi, for Applicant.
Mr. Jamshed Ansari for Respondents.

CORAM : N.J.JAMADAR, J.

DATE : 26 JULY 2023

P.C. :

1. Heard the learned Counsel for the parties.
2. This application is preferred for modification of the order dated 16 February 2023 passed in Appeal From Order No.816 of 2022. By the said order, the Court had permitted the Appellant to withdraw the Appeal with liberty to pursue the pending Notice of Motion. The Court also requested the learned Judge to hear and decide Notice of Motion expeditiously and preferably within six months from the date of the said order.
3. The grievance of the Applicant is that apart from the said Notice of Motion taken out by the Respondent Nos.7 and 8, there are other Notice of Motions taken out by the Plaintiff which are awaiting adjudication. However, in view of the

order passed by this Court, the trial court is insisting for expeditious hearing of Notice of Motion No.1059 of 2021.

4. There is no propriety in entertaining this application for modification of the said order since six months time has almost elapsed. It may be appropriate to extend the time to decide Notice of Motion No.1059 of 2021 by a period of four months from today.

5. The learned Judge is requested to make an endeavour to decide Notice of Motion No.1059 of 2021 within a period of four months from today.

6. The learned Judge is also at liberty to decide the order of priority of hearing of the other Notices of Motion.

7. The Interim Application stands disposed.

(N.J.JAMADAR, J.)