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4AO868-2014

IN THE HIGH COURT OF JUDICATURE AT BOMBAY

CIVIL APPELLATE JURISDICTION

APPEAL FROM ORDER NO.868 OF 2014

Prakash Vasant Patkar

..Appellant

Vs.

Hiranyakesh Sahakari Patpedhi Mydt. Mumbai & Ors. ...Respondents

Mr.S.S.Redekar, for the Appellant. _____

Mr.Bhimrao A. Powar, for Respondent No.1.

Mr.Suraj Kudalkar, for Respondent Nos.2 to 7.

Ms.Tanaya Goswami, AGP for Respondent No.8.

CORAM : G.S. KULKARNI, J.

DATE : FEBRUARY 22, 2023

PC. :-

1. This Court had passed a detailed order on 4 January 2023 whereby the impugned order dated 28 July 2014 passed by the City Civil Court on Notice of Motion No.1256 of 2013 was stayed. The operative order is noted in paragraph (2) of the said order. Accordingly, the matter was made returnable for today.

2. Learned Counsel for the parties have drawn Court's attention to paragraph 14 of the said order to point out the reason for which the appeal was admitted. However, today learned Counsel for respondent No.1 has fairly stated that as the order passed by this Court is an extensive order, the appeal itself can be disposed of in terms of what was observed by this Court in the

order dated 4 January 2023, keeping open all contentions of the parties to be urged in the pending suit. Learned Counsel for the appellant certainly would not have any objection.

3. In the aforesaid circumstances, the appeal is disposed of directing that the order dated 4 January 2023 shall operate during the pendency of S.C.Suit No.1137 of 2012 pending before the City Civil Court, Bombay.

4. Disposed of in the above terms. No costs.

[G.S. KULKARNI, J.]