

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION

APPEAL FROM ORDER NO. 913 OF 2023
WITH
INTERIM APPLICATION NO.16999 OF 2023

Shri Mahadev Martand Tupe,

Thr. His POA. Shri Subhash Mahadev Tupe

...Appellant/

Applicant

Versus

City Corporation Limited

Thr. Prop. Aniruddha Pradyumna Deshpande & Others ...Respondents

...

Mr. K. S. Patil i/by Mr. Nilesh Wable, for Appellant/Applicant.

Mr. Girish Godbole, Senior Advocate a/w Mr. Aseem Naphade, Mr. Sagar Pawar, Mr. Sameer Tiwari i/by Mr. Amit Karle for Respondent No.1.

...

CORAM : SANDEEP V. MARNE, J.

DATE : 06 NOVEMBER, 2023

P.C.:

1. After arguing the Appeal for some time, Mr. Patil, the learned counsel appearing for the Appellant and Mr. Godbole, the learned Senior Advocate appearing for Respondent No.1 would jointly submit that since the impugned order dated 7 October 2023 is passed without hearing the Appellants, the trial Court can be requested to hear the application for grant of

ad-interim relief afresh, after hearing the Appellants. Accordingly, the present Appeal is disposed of requesting the trial Court to decide the application of the Plaintiff for grant of ad-interim relief afresh after hearing the Appellants. The Appellants shall file an interim reply to the application at Exhibit-5 by 08 November 2023 and serve a copy thereof on the Respondent No.1.

2. The Trial Court shall make an endeavour to decide the Application for ad-interim injunction on 9 November 2023 without being influenced in any manner by the order dated 7 October 2023. With the above observations, the Appeal from Order is disposed of. In view of disposal of Appeal from order, Interim Application is disposed of.

3. Both the learned counsels agree that no adjournment would be sought before the trial Court, so as to enable it to decide the application for ad-interim relief on 9 November 2023.

(SANDEEP V. MARNE, J.)