

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION

APPEAL FROM ORDER NO.224 OF 2016
WITH
CIVIL APPLICATION NO.274 OF 2019
WITH
CIVIL APPLICATION NO.300 OF 2016

Shivanjali Co-operative Housing Society Ltd. ..Appellant
Versus
Shyam Pyarelal Jaiswar & Ors. ..Respondents

Mr. Mayur Sosa i/by R. S. Rane, for the Appellant.
None for the Respondent.

CORAM : SANDEEP V. MARNE, J.

DATE : 5th DECEMBER, 2023

PC.

1. The appeal is filed challenging the order dated 19th October, 2015 refusing to grant ad-interim relief in Draft Notice of Motion tendered in SC Suit No.2276 of 2015.

2. Mr. Sosa would appear on behalf of appellant and submit that the Managing Committee of the society has executed Vakalatnama in his favour and the same was attempted to be filed after obtaining NOC from the previous advocate. He would submit that the Registry however has not accepted the Vakalatnama on account of failure to reflect complete title. He would further submit that when fresh Vakalatnama with complete cause-title was sent for

recording No Objection of the previous advocate, the previous advocate has refused to grant No Objection on the fresh Vakalatnama.

3. Office to accept Vakalatnama with incomplete cause-title with a view to aid disposal of the present appeal. By impugned order dated 19th October, 2015, ad-interim relief is refused in favour of the plaintiff society. Considering the passage of time, it would be appropriate that the Notice of Motion is decided finally rather than examining correctness of the order dated 19th October, 2015.

4. The appeal is accordingly disposed of with a request to the City Civil Court to take up the Notice of Motion for final decision.

5. In view of disposal of appeal, both the pending applications do not survive and accordingly disposed of.

[SANDEEP V. MARNE, J.]