

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION
APPEAL FROM ORDER NO. 709 OF 2016
WITH
INTERIM APPLICATION NO. 3471 OF 2019

Ismail Yakoob Payak ... Appellant
Versus
Sukhdevsingh Shivrajsingh Thakur and Ors. ... Respondents

None for the Appellant.

Mr. Suraj Shetye a/w. Ms. Insha Patel i/b. Mr. Hetal Patel for Respondent No. 1 to 3.

Mr. Sanskar Marathe for Respondent No. 4.

CORAM: G. S. KULKARNI, J.
DATED: JANUARY 04, 2023

PC.

1. None for the appellant. This appeal from order is directed against a judgment and order dated 8 January 2016 passed by the learned Judge, City Civil Court, Bombay, whereby Notice of Motion No.904 of 2014 as filed by the plaintiffs has been made absolute in terms of prayer clause (a) of the said notice of motion. The appeal was filed on 27 July 2016. The appeal itself is pending for quite some time. There is no interim order granting protection whatsoever to the appellant-defendant, passed in the appeal. It is stated that the suit in the meantime has progressed and now in fact, has been transferred from the City Civil Court to this Court.

2. In these circumstances, in my opinion, it is appropriate that the parties urged their respective contentions in the pending suit. This more particularly, for the reason that the impugned order which was passed on 8

January 2016, is continued to operate almost for a period of 8 years.

3. The appeal is accordingly disposed of, keeping open all the contentions of the parties to be urged in the pending suit.

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

5. In view of disposal of the appeal, pending Interim Application would not survive, the same stands disposed of.

(G. S. KULKARNI, J)