

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION

APPEAL FROM ORDER NO. 671 OF 2024

WITH

INTERIM APPLICATION NO. 13278 OF 2024

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Rajesh Ramesh Sangekar and Ors. ...Appellants/Applicants
Versus
Kishor Nagesh Sangekar And Ors. ...Respondents

Ms. Armin Wandrewala a/w. Mr. Manan Jaiswal i/b. MLS Vani &
Associates, for Appellants/Deft. Nos. 1(a) to 1(c), 8 & 9.
Mr. Rajesh A. Revankar i/b. A.G. Revankar, for Respondent/Plaintiffs

CORAM : M.M. SATHAYE, J.

DATE : 22nd NOVEMBER, 2024

P.C. :

1. Heard learned counsel for the Appellants-original Defendant Nos.1(a) to 1(c), 8 & 9 and learned counsel for the Respondents/Plaintiffs.
2. This appeal is filed challenging the Order dated 06.08.2024 passed by City Civil Court, Greater Mumbai in Notice of Motion No. 3663 of 2022 in Short Cause Suit No.4443 of 2009. By the said impugned order, a motion taken out by Respondents/Plaintiffs requesting the Court to direct Defendants to conduct DNA test, is allowed and the Plaintiffs, Defendant Nos. 1(a) to 1(c) & Defendant No. 9 are directed to take necessary steps for such test.

3. It is not disputed that the DNA test is for the purpose of establishing paternity, based on which certain claim is made in the suit property.

4. Learned counsel for the Appellants has placed on record the Order dated 06.08.2024 from which it is clear that, on the same day when the impugned Order was passed, it was stayed till 06.09.2024. Thereafter, the Appeal from Order was filed during the pendency of such stay and the Appellants have been trying to move this Court.

5. Learned counsel for the Appellants has further placed on record Roznama dated 07.10.2024 in support of her contention that the learned Trial Court may proceed for appointment of Commissioner for execution of the impugned Order and next date is 25.11.2024 in Trial Court for compliance.

6. It is not disputed that the impugned Order has not been given effect yet.

7. In that view of the matter, stand over to **04/12/2024**. Till next date, the impugned Order will not be given effect.

(M.M. SATHAYE, J.)