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**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION
APPEAL FROM ORDER NO. 769 OF 2024
WITH
INTERIM APPLICATION NO. 14429 OF 2024
WITH
INTERIM APPLICATION (ST) NO. 2438 OF 2025
IN
APPEAL FROM ORDER NO. 769 OF 2024**

Sujita Narayan Nakhwa and Ors ... Appellants/Applicants

vs.

Unique Constructions through its ... Respondents
Proprietor Mr. Ravindra Baburao Patil
and Anr

Mr. Pradeep Havnur for Appellants/Applicants.

Mr. Anil Mishra for Respondents.

CORAM : GAURI GODSE, J.

DATED : 22nd JANUARY 2025

ORDER:

1. This appeal arises out of the rejection of ad interim relief. This court vide order dated 18th November 2024 issued notice to the respondents and granted ad interim injunction which reads as under:

“(b) Respondent is restrained by way of ad-interim injunction not to construct anything on the subject matter property as

specified in plaint paragraph no.1 of S.C. Suit No. 2339 of 2024.”

2. Learned counsel for the respondent on instructions submits that the next date in the City Civil Court is 1st February 2025. He submits that the affidavit-in-reply to the notice of motion shall be filed by the respondents on the next date. He submits that the respondent has no objection if ad interim injunction granted by this court vide order dated 18th November 2024 is continued during the pendency of notice of motion.

3. In view of the no objection given by the respondent to continue the ad interim injunction, it is not necessary to record any further reasons. Any further reasons recorded by this court is likely to affect the rival contentions of the parties on merits. Hence, appeal from order is allowed by passing the following order:

I) Respondent to file affidavit-in-reply to the notice of motion in Suit No. 2339 of 2024 on the next date i.e. on 1st February 2025.

II) If reply is not filed, the concerned Judge of the City Civil Court is at liberty to decide the notice of motion in the absence of any reply.

III) Ad interim relief granted by this court vide order dated 18th November 2024 shall continue to operate till the notice of motion is

finally decided.

4. It is clarified that all rival contentions on merits of the parties is kept open. The concerned Judge of the City Civil Court shall decide the notice of motion uninfluenced by any observations made by this court in this order.

5. The appeal from order is allowed in the aforesaid terms. In view of disposal of the appeal, the Interim Application No. 14429 of 2024 and Interim Application (St.) No. 2438 of 2025 are disposed of as infructuous.

(GAURI GODSE, J.)