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IN THE HIGH COURT OF JUDICATURE AT BOMBAY

CIVIL APPELLATE JURISDICTION

**APPEAL FROM ORDER NO. 915 OF 2024
WITH
INTERIM APPLICATION NO. 15850 OF 2024
IN
APPEAL FROM ORDER NO. 915 OF 2024**

Mrs. Asheta Arunan Menon

.....Appellant

Vs.

Mrs. Anesha Arunan Menon

.....Respondent

Mr. Rohan Cama a/w Mr. Amey Patil and Mr. Jayesh Rathod
Advocate for the Appellant
Mr. Anil R. Mishra for respondent no. 1

CORAM : GAURI GODSE, J.

DATE : 24th FEBRUARY 2025

ORDER:

1. Heard learned counsels for the parties. By consent, the appeal is taken up for final disposal.
2. By this appeal, the defendant has challenged the order refusing ad-interim relief as prayed in her Notice of Motion No. 3707 of 2024.
3. Learned counsel for the respondent i.e. original plaintiff submits that the plaintiff would file reply to the notice of motion within three

weeks from today.

4. Considering the disputed facts in the matter, any further reasons recorded by this Court on the merits of the rival contentions may cause prejudice to both parties. Hence, it is appropriate that the notice of motion is heard by the City Civil Court after considering the reply by the plaintiff.

5. Hence, the appeal is disposed of by passing the following order.

ORDER

I. The plaintiff shall file affidavit-in-reply to the Notice of Motion No. 3707 of 2024 within three weeks from today with an advance copy to the learned advocate for the defendant.

II. Notice of Motion No. 3707 of 2024 shall be decided on its own merits, uninfluenced by the impugned order or any observation in this order.

III. Notice of Motion No. 2057 of 2024 and Notice of Motion No. 2326 of 2023 to be heard alongwith Notice of Motion No. 3707 of 2024.

IV. All rival contentions of the parties including maintainability of Notice of Motion No. 3707 of 2024 is kept open.

V. The parties shall not be granted unnecessary adjournments.

6. Appeal is disposed of in aforesaid terms.

7. In view of disposal of the appeal, Interim Application No. 15850 of 2024 is disposed of as infructuous.

[GAURI GODSE, J.]