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**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION
APPEAL FROM ORDER NO. 39 OF 2025
WITH
INTERIM APPLICATION NO. 467 OF 2025
IN
APPEAL FROM ORDER NO. 39 OF 2025**

Kamlesh Valjibhai Patel ... Appellant/Applicant

vs.

Asha Amit Jani and Anr ... Respondents

Mr. Vineet Naik, Senior Advocate a/w. Mr. Rahul Soman and Suyash More i/b. Mr. Rajeev Sawant and Associates for Appellant/Applicant.
Mr. Shanay Shah a/w. Mr. Jayesh Mestry for Respondent No.1.
Mr. P.M. Rustomkhan a/w. Ms. Shreya Jha i/b. Sangram C. for Respondent No.2.

CORAM : GAURI GODSE, J.

DATED : 14th JANUARY 2025

ORDER:

1. Heard learned counsels for the parties. After hearing the matter for sometime, learned counsel for defendant no.2 submits that defendant no.2 is agreeable to proceed with the hearing of notice of motion finally. She agrees that ad interim relief which was stayed by order dated 30th December 2024, can continue during the pendency of notice of motion.

2. Learned senior counsel appearing for the appellant has no

objection if the motion is heard and the stay granted on 30th December 2024 continues.

3. In view of the aforesaid statements, nothing would survive for consideration by this court in appeal.

4. The appeal is therefore disposed of.

5. It is clarified that this court has not examined the rival contentions of parties on merits. Hence, all contentions of all parties including maintainability of notice of motion of defendant no.2 are kept open.

6. In view of disposal of the appeal, the pending interim applications are disposed of as infructuous.

(GAURI GODSE, J.)