

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY**  
**CIVIL APPELLATE JURISDICTION**  
**APPEAL FROM ORDER NO. 233 OF 2025**

|                                    |                |
|------------------------------------|----------------|
| M/s. Jitendra Kumar P. Jain & Anr. | ...Appellants  |
| Versus                             |                |
| Union of India & Ors.              | ...Respondents |

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**Mr. Induprakash Tripathi** a/w. Mr. Gajanan Shinde i/b C. K. Tripathi, for the Appellants.

**Mr. Suresh Kumar** a/w. Ms. Sunita Thakur for the Respondent Nos.1 to 5.

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**CORAM : GAURI GODSE, J.**

**DATE : 9<sup>th</sup> APRIL 2025**

**P.C.:**

1. Not on board. Taken on production board.
  
2. The Appeal is urgently mentioned as ad-interim relief in favour of the Plaintiff is vacated by order dated 8<sup>th</sup> April, 2025. The Plaintiff has filed the suit for declaration regarding catering unit allotted to the Plaintiff by Defendant No.1. In the Suit, a Motion was filed for temporary injunction restraining the Defendants from transferring the management of the Plaintiffs' catering unit in favour of Defendant No.6. Ad-interim relief was granted on 20<sup>th</sup> December, 2018. However, the said ad-interim relief is vacated. The Appellant filed an application for recalling the order and restoration of the ad-interim relief. However, the said application is rejected.

3. The learned Counsel appearing for the Appellants submits that a chamber summons was filed for amending the plaint. He submits that since time was prayed on behalf of the Plaintiffs for arguing the chamber summons, the ad-interim protection was vacated. He submits that the Plaintiffs' Advocate had later shown willingness to argue the chamber summons, however, the ad-interim was vacated. He further submits that an application at Exhibit-11 was immediately filed for restoration of the ad-interim relief. He, further submits that by order dated 8<sup>th</sup> April, 2025, chamber summons is allowed and the Plaintiffs are permitted to carry out amendment. However, the prayer for restoration of the ad-interim relief is refused. He submits that the next date before the City Civil Court is 21<sup>st</sup> April, 2025. He submits that the Plaintiffs would argue the notice of motion on the next date and would not seek any adjournment.

4. The learned Counsel for the Respondents submits that the ad-interim relief was an ex-parte order passed in the year 2018, and till date, the Motion is not heard. He therefore submits that if the ad-interim is to be restored, the Plaintiffs should be put to the terms that no adjournment would be requested and notice of motion shall be argued on the next date.

5. The learned Counsel for the Plaintiffs, on instructions, assures that adjournment would not be asked on behalf of the Plaintiffs and the Notice of Motion would be argued on the next date or the date fixed by the City Civil Court.

6. Since the ad-interim is already operating since the year 2018 and the Notice of Motion is still pending for final hearing, I see no reason in not restoring the ad-interim relief. In view of the assurance given on behalf of the Plaintiffs, the Appeal is allowed by passing the following order:-

a) The order dated 8<sup>th</sup> April, 2025 rejecting the application at Exhibit-11 is set aside. It is clarified that the impugned order is interfered only to the extent of Exhibit-11.

b) The Ad-interim relief granted on 20<sup>th</sup> December, 2018 shall continue during the pendency of the notice of motion.

c) The statement on behalf of the Plaintiffs that no adjournment would be requested and the notice of motion will be argued on the next date, or on the date fixed by the court, is accepted as an undertaking given to this Court.

d) Subject to the Plaintiffs' arguing notice of motion on the next date or on the date fixed by the City Civil Court, the ad-interim protection granted on 20<sup>th</sup> December, 2018 shall continue during the pendency of the notice of motion.

e) In view of the disposal of the Appeal, Interim Application is disposed of accordingly.

f) The learned Counsel appearing for the Appellants shall serve a copy of this order on Respondent No.6. The ad-interim

relief is against Defendant Nos. 2 to 5. Considering the urgency and a limited relief of restoration of ad-interim relief already granted, is considered in this appeal, this order is passed without issuing notice to Respondent No.6.

**[GAURI GODSE, J. ]**