

Amberkar

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION

APPEAL FROM ORDER NO. 426 OF 2026

Sreeja Suresh & Ors.

.. Appellants

Versus

Natraj Caterers & Ors.

.. Respondents

.....

- Mr. Kaustubh Patil i/by Ms. Mansi Shah, Advocates for Appellants
- Ms. Srividiya Venkat a/w Mr. Sarabjit Singh, Advocates for Respondent No. 1

.....

CORAM : MILIND N. JADHAV, J.**DATE : MAY 8, 2026****P. C.:**

1. Heard Mr. Patil, learned Advocate for Appellants and Ms. Venkat, learned Advocate for Respondent No. 1.

2. Impugned order discontinued the long standing ad-interim order passed by Trial Court as far back as on 24.09.2018. Reasons given therein being the absence of Advocate on the previous date when the Motion was listed and none appeared for the Plaintiffs. The reason given by learned Judge is with regard to discouraging the practice of the Plaintiffs' attempting to continue the ad-interim relief by not remaining present on the appointed date of hearing. Mr. Patil has informed the Court that Advocate could not remain present on the appointed date due to indisposition and personal difficulty. The matter is now slated to be heard sometime in July.

3. Ms. Venkat would draw my attention to the fact that Plaintiffs have been enjoying the ad-interim order since 2018 and on one pretext or the other are delaying hearing of the Motion. Without giving any imprimatur on merits, it would be appropriate if the learned Trial Court is requested by this Court to decide the pending Notice of Motion No. 4625 of 2018 finally along with any Chamber Summons that is pending therewith without any further delay. Parties are directed to complete their pleadings in both the proceedings before 08.06.2026. It will be at the discretion of the learned Trial Court to determine the Notice of Motion and the Chamber Summons either together or separately. However one thing is made clear, that is the Notice of Motion will not be kept pending further for any reason whatsoever and it shall be determined by the Trial Court by passing a reasoned speaking order on or before 20.06.2024 after it is heard on 08.06.2025. Impugned order of discontinuing the ad-interim order stands set aside and the earlier ad-interim order dated 24.09.2018 stands continued until the Notice of Motion is heard and finally decided by the Trial Court as directed above.

4. With the above directions, Appeal from Order is disposed. Pending Interim Application is also disposed.

[MILIND N. JADHAV, J.]