

IN THE HIGH COURT OF JUDICATURE AT BOMBAY

APPELLATE CIVIL JURISDICTION

APPEAL FROM ORDER NO.994 OF 2004

IN

NOTICE OF MOTION NO.4731 OF 2004

IN

L.C.SUIT NO.5283 OF 2004

Govind Patel and another)... Appellants

Versus

Shree Alankar CHS Ltd. and anr.)... Respondents

Mr.A.Y.Sakhare i/b.Mr.P.P.Surve for the Appellants.

Mr.Ravi Kadam i/b.Mr.A.S.Bhalekar for Respondent
Nos.1 and 2.

Mr.J.Xavier for Respondent No.5.

CORAM: SMT.NISHITA MHATRE, J.

DATED: 30TH NOVEMBER 2004

P.C.:

. The trial Court has already allowed sale of the products from the suit shop which is on the ground floor of the building. However, the manufacturing activities from this suit shop have been restricted. The trial Court has shown indulgence to the Appellant by placing the Notice of Motion for hearing expeditiously since the business of the Appellants was stopped. Despite the matter being called out atleast on three occasions, the Advocate for the Appellants did not remain present and, therefore, the trial Court adjourned the matter to 29th November 2004. It appears that on 29th November 2004

also the Appellants sought an adjournment of the Motion.

2. I do not see any reason to interfere with the order of the trial Court especially since the Motion has been expedited. Moreover, the sale of products from the suit shop on the ground floor has not been injunctioned.

3. Appeal From Order dismissed.

4. In view of the Appeal From Order being dismissed, nothing survives in Civil Application No.1451 of 2004 and the same is disposed of accordingly.

5. Parties to act on an authenticated copy of this order.