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IN THE HIGH COURT OF JUDICATURE AT BOMBAY  
CIVIL APPELLATE JURISDICTION

APPEAL FROM ORDER ST. NO.34520 OF 2011  
WITH  
CIVIL APPLICATION ST. NO.34521 OF 2011

Jagdish Krishna Belnekar. ..Appellant.

Vs.

Haribhau Balaram Patil & Ors. ..Respondents.

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Mr. Yuwraj D. Patil i/b  
Mr. Suresh M. Sabrad, for the Appellant.  
Mr. Rafeeq P i/b Mr. Vinod Shinde,  
for Respondent Nos.1 to 3.

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**CORAM: M.L. TAHALIYANI, J.**

**DATE : DECEMBER 30, 2011.**

**P.C.:**

1. Heard learned counsel for the appellant and learned counsel  
for respondent nos. 1 to 3.

2. It is submitted that respondent nos.3,4 and 5 had not appeared  
before the Trial Court. Notice of Motion (Exhibit-5) of the appellant was

placed for hearing on 19.12.2011. However, it appears that none had appeared for the appellant and therefore, it was dismissed. Later on 7 days time was granted to the appellant by the Trial Court which has expired on 27.12.2011. It is thus abundantly clearly that the Notice of Motion (Exhibit-5) had not been heard on merits.

3. In the circumstances, in my view, the following order will meet the ends of justice:

(i) Ad-interim order granted by the Trial Court shall remain in force till 2.1.2012.

(ii) Parties to appear before the Trial Court at 11.00 a.m. sharp on 2.1.2012.

(iii) Notice of Motion(Exhibit-5) shall be heard by the learned Trial Court and shall be disposed of as expeditiously as possible.

4. Appeal from Order(ST) is accordingly disposed of. Appeal be numbered and to be shown as disposed of.

5. In view of the disposal of the appeal, the Civil Application does not survive, and is also disposed of accordingly.

6. Learned Trial Court to act upon the copy of this order duly authenticated by the Shirestedar of this Court.

**(M.L. TAHALIYANI, J.)**