

FARAD CONTINUATION SHEET
IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION

**APPEAL FROM ORDEDR NO.610 OF 2015
WITH
CIVIL APPLICATION NO.754 OF 2015**

Office Notes, Office Memorandum of Coram, appearances, Court's orders or directions and the Registrar's orders	Court's or Judge's orders
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Mr. V.S. Kapse i/b. Mr. P.G. Kathane, for the Appellant.

Mr. Abhishek Walawalkar i/b. Walawalkar Law Associates, for the Respondents.

CORAM: MRS.MRIDULA BHATKAR, J.

DATED: 28th SEPTEMBER, 2015

. This Appeal from Order is directed against the order dated 4th April, 2015 passed by the learned Judge of City Civil Court, Dindoshi, Mumbai. The Notice of Motion No. 2400 of 2012 was dismissed by an order dated 12th March, 2015 by the trial Court for want of prosecution. Thereafter, the Notice of Motion No. 778 of 2015 was filed for restoration. During the pendency, the prayer was made for interim relief which was rejected. Hence, this Appeal.

2. The learned counsel for the Respondent pointed out that by an order dated 9th July, 2015 the Notice of Motion No. 778 of 2015 was allowed and the Notice of Motion No. 2400 of 2012 is hereby restored by the said order and therefore nothing survives in this Appeal from Order.

3. The learned counsel for the Appellant submits that the Motion was restored as per prayer (a). However, the interim relief which was passed earlier are also to be restored. He submits that at the time of issuance of notice in the present Appeal from Order, this Court has granted the interim relief.

4. In view of this submissions, as the Notice of Motion No. 778 of 2012 is allowed and the Notice of Motion No. 2400 of 2012 is restored in which the interim relief was granted by virtue of order of restoration, the interim orders are also thereby restored.

5. In view of the above, the Appeal from Order disposed of finally.

(MRS.MRIDULA BHATKAR, J.)

CERTIFICATE

Certified to be true and correct copy of the original signed
Judgment/Order.