

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

**APPEAL FROM ORDER (ST) NO. 28741 OF 2014
WITH
CIVIL APPLICATION (ST) NO. 28742 OF 2014**

Mr. Nazir Hoosein	... Appellant.
V/s.	
The Western India Automobile Association & Ors.	... Respondents

Mr. Suraj Iyer i/b Ganesh & Co. for the applicant/appellant.

**CORAM : K. K. TATED, J.
DATED : 23/03/2015.**

PC.:

. Heard learned Counsel for the appellant.

2 The present Appeal from Order is preferred by original plaintiff challenging the order dated 01.11.2014 passed by Bombay City Civil Court at Bombay. The plaintiff moved Notice of Motion in Trial Court for following reliefs:

“ a) Pending the hearing and final disposal this Hon'ble Court be pleased to stay the effect, execution, implementation and operation of the Report of the Disciplinary Committee dated 14th October, 2014 (being Exhibit 'K') ”

b) Pending the hearing and final disposal this Hon'ble Court be pleased to restrain the Defendant no.1 Association and its Managing Committee either themselves or through their servants, agents, employees or anyone claiming through or under them by way of a order and injunction from in any manner whatsoever relying or acting upon the Report of the Disciplinary Committee dated 14th October 2014 (being Exhibit “K”) or from passing any resolution whatsoever in furtherance thereof or otherwise at the proposed Meeting to be held on 31st October, 2014 against the plaintiff in any manner whatsoever;

c) Pending the hearing and final disposal of the Suit, this Hon'ble Court be pleased to issue an order and injunction against the Defendant No.1 Association (and through it the Managing Committee) either themselves or through their servants, agents, employees or anyone claiming through or under them, from in any manner whatsoever relying or acting upon or passing any resolution pursuant to the Report of the Disciplinary Committee dated 14th October, 2014 (being Exhibit "K") either against the Plaintiff or otherwise, in any manner whatsoever.

d) ad-interim reliefs in terms of prayer clause a, b and c above.

e) For costs.

f) such other and further orders as this Hon'ble Court may deem fit and proper in the facts and circumstances of this case."

3 The main relief claimed by the plaintiff in the Notice of Motion was that respondent be restrained from implementing the report of Disciplinary Committee dated 14.10.2014. It is to be noted that in order dated 03.11.2014 passed by this Court (Coram: Smt. Mridula Bhatkar, J) it is recorded that the learned counsel for the respondent categorically made a statement that the Managing Committee of the Association accepted the report of the Disciplinary Committee and passed resolution for expelling the appellant/plaintiff.

4 In view of subsequent development, nothing survives in this Appeal from Order. Hence, Appeal from Order stands rejected.

5 In view of rejection of Appeal from Order, nothing survives in the Civil Application. Same is dismissed as infructuous.

(K.K.TATED, J.)