

***IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION***

***REVIEW PETITION (STAMP) NO.925 OF 2012
IN
APPEAL FROM ORDER NO.749 OF 2009***

Mrs. Allabakashi Halimabe Abdul
& Anr.

...Petitioners

vs.

The State of Maharashtra & Ors.

...Respondents

Ms.Harbans Kaur i/b Mr. Mukesh Pandey for the petitioners.
Mr. Abhijit Singh i/b Mr. Anil R. Mishra for the respondents.
Ms. Seema Rawade for BMC.

CORAM: N.M. JAMDAR, J.

DATED : 7 MARCH 2016

P.C.:

. By order dated 22/11/2010, since the learned counsel had no instructions the appeal was dismissed for non-prosecution. Thereafter the applicant took out Civil Application No. 1740/2010 which was disposed of by order dated 21/1/2011, observing that the application for revision was not maintainable and at the most review was maintainable. Thereafter the present Civil application is taken out. Heard learned counsel for the parties. The reason given in the application is that the advocate made a statement on 22/11/2010 he had no instructions, was not on record.

2. The order impugned in the Appeal From Order is dated 21/7/2009 wherein the learned City Civil Court has refused to

grant ad-interim relief to the appellant/applicant. It is informed by the learned counsel for respondent No.3 that the notice of motion is dismissed for non-prosecution by the City Civil Court.

3. Therefore even if the appeal is to be restored and is taken up for consideration on merits it is not possible to interfere with the impugned order refraining to grant ad-interim relief, passed six years ago. Appropriate course of action therefore for the appellant would be if notice of motion is restored by the City Civil Court to argue the same on merits. The application is disposed of.

(N. M. JAMDAR, J.)