

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

**APPEAL FROM ORDER NO.962 OF 2015
along with
CIVIL APPLICATION NO.1178 OF 2015
in
APPEAL FROM ORDER NO.962 OF 2015**

Mother Education Trust .. Appellant/Applicant
Vs.
Laxman Waman Patil & Anr. .. Respondents

Mr.S.A. Abhyankar for the appellant/applicant.
None for the respondents.

CORAM : R.D. DHANUKA, J.
DATE : 15th February 2016

P.C.

. By this appeal from order, the appellant has impugned the order dated 23rd December 2014 passed by the learned trial Judge dismissing unregistered notice of motion on the ground that the suit is 10 years old and the reliefs claimed in the notice of motion are mandatory reliefs which cannot be granted in the notice of motion.

2. Learned counsel appearing for the appellant states that oral evidence is already commenced in the suit. No case is thus made out for interference with the impugned order passed by the learned trial Judge. Appeal from order is devoid of merits and is dismissed. In view of dismissal of the appeal from order, civil application does not survive and is accordingly dismissed. No order as to costs.

3. It is made clear that the observations made by the learned trial Judge in the impugned order are prima facie. Learned trial Judge shall decide the matter in accordance with law and without being influenced by the observations made by the learned trial Judge in the impugned order.

R.D. DHANUKA, J.