

Amk

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

**APPEAL FROM ORDER NO. 542 OF 2015
WITH
CIVIL APPLICATION NO. 682 OF 2015**

Mrs. Noorjahan w/o. Qamruzzaman Shaikh .. Appellant
Vs.
The Municipal Corporation of Gr. Mumbai .. Respondent

Mr. S. P. Srivastava for the Appellant.
Mrs. Madhuri More for the Respondent-BMC.

CORAM : G. S. KULKARNI, J.
DATE : 28th NOVEMBER, 2016.

P. C. :

1. Heard learned counsel for the appellant and learned counsel for the respondent-Municipal Corporation. This appeal is directed against the order dated 26.02.2015 passed by the learned Judge, City Civil Court, Dindoshi (Borivali Division) at Mumbai, whereby the learned Judge has refused to grant any ad interim prayers as made in draft Notice of Motion as taken out by the appellant/plaintiff in L. C. Suit No.465 of 2015. The appeal was filed on 24.03.2015. Learned counsel for the appellant informs that the Notice of Motion is now numbered as Notice of Motion No. 941 of 2015. Admittedly, the Notice of Motion is pending hearing before the learned Trial Court. Considering these facts, it is appropriate that the Notice of Motion itself be heard and decided.

2. The appellant is directed to approach the Trial Court with a

request to take up hearing of the Notice of Motion. The request of the appellant be considered on its own merits.

3. All the contentions of the parties are kept open.
4. The Appeal from Order is disposed of in the above terms. No costs.
5. As the Appeal from order is disposed of, Civil Application No.682 of 2015 does not survive and stands disposed of.

[G. S. KULKARNI, J.]