

Amk

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

**APPEAL FROM ORDER NO. 772 OF 2015
WITH
CIVIL APPLICATION NO. 940 OF 2015**

Smt. Jasiben Lakhabhai Barad	.. Appellant
Vs.	
Municipal Corporation of Gr. Mumbai	.. Respondent

**WITH
CIVIL APPLICATION NO. 1310 OF 2015
IN
APPEAL FROM ORDER NO. 772 OF 2015**

Smt. Jasiben Lakhabhai Barad	.. Appellant/Applicant
Vs.	
Municipal Corporation of Gr. Mumbai & Anr.	.. Respondents
And	
Babubhai Lakhabhai Barad	.. Applicant

Ms. Nazia S. A. Shaikh i/b Pradeep J. Thorat for the Appellant/Applicant.
Mrs. Asmita S. Jaiswal for the Applicant in CAA No. 1310 of 2015.
Mrs. Madhuri More for Respondent-MMC.

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

P. C. :

1. Heard learned counsel for the appellant and learned counsel for the respondents. This appeal is directed against the order dated 17.04.2015 passed by the learned Judge, City Civil Court at Dindoshi, Mumbai, whereby the learned Trial Judge was pleased to refuse an ad interim relief in Notice of Motion No. 1058 of 2015 in L. C. Suit No. 883 of 2015. This Court, by an order dated 21.04.2015, was pleased to direct the

parties to maintain status quo as prevailing on the date of the said order (21.04.2015). The said position is admittedly continued till date.

2. In the circumstances there is no purpose to keep this appeal pending. The parties are, accordingly, directed to approach the learned Trial Judge with a request to hear and decide the Notice of Motion No. 1058 of 2015. Such request be considered by the learned Trial Judge on its own merits .

3. All the contentions of the parties on merits of the matter are expressly kept open.

4. In the meantime, till the Notice of Motion is heard and decided interim protection granted by this Court on 21.04.2015 shall continue to operate.

5. The Appeal from Order is disposed of in the above terms. No costs.

6. In view of the disposal of the Appeal from Order, Civil Application Nos. 940 of 2015 and 1310 of 2015 do not survive and stand disposed of.

[G. S. KULKARNI, J.]