

Amk

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

**APPEAL FROM ORDER NO. 811 OF 2015
WITH
CIVIL APPLICATION NO. 983 OF 2015**

Supriya Sachin Kudtarkar .. Appellant
Vs.
The Municipal Corporation of Gr. Mumbai & Anr. .. Respondents

Mr. Shreepad Murthy a/w. Mr. Abhishek Patil for the Appellant.
Mr. S. S. Redekar for Respondent No.2.
Mrs. Madhuri More for the Respondent-BMC.

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

P. C. :

1. Heard Mr. Murthy, learned counsel for the appellant, Mr. Redekar, learned counsel for respondent No.2 and Mrs. More, learned counsel for the Municipal Corporation.

2. This appeal is directed against the order dated 08.05.2015 passed in Draft Notice of Motion in L. C. Suit No. 1100 of 2015. By the impugned order, for the reasons as recorded therein, ad interim reliefs are refused to the appellant/plaintiff. This appeal was thereafter moved before the learned Vacation Judge of this Court on 15.05.2015. The learned Vacation Judge was pleased to pass an order directing no coercive step to be taken till 12.06.2015. The said order was continued by subsequent order and there is no dispute that the interim protection which came to be

granted is continued till date.

3. In the circumstances, as the appeal is directed against the ad interim order it is desirable that the Notice of Motion itself is heard and decided. Mr. Murthy, learned counsel for the appellant informs that the Notice of Motion is now numbered as Notice of Motion No. 212 of 2015. The parties are at liberty to approach the Trial Court and the learned Judge of the Trial Court shall hear the said Notice of Motion.

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

5. Ad interim protection, which is granted by the learned Vacation Judge by the order dated 15.05.2015 and continued till date, shall operate till the Notice of Motion is heard and finally decided by the learned Trial Judge.

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

7. As the Appeal from Order is disposed of, Civil Application No. 983 of 2015 does not survive and stands disposed of.

[G. S. KULKARNI, J.]