

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

Amk

**APPEAL FROM ORDER (STAMP) NO. 14866 OF 2016
WITH
CIVIL APPLICATION (STAMP) NO. 14867 OF 2016**

Krishna D. Nayak	.. Appellant/Applicant
Vs.	
The Municipal Corporation of Gr. Mumbai	.. Respondent

Mr. B. S. Shukla for the Appellant/Applicant.
Mrs. M. R. Bhoir for the respondent-BMC.

CORAM : DR. SHALINI PHANSALKAR-JOSHI, J.
DATE : 26th AUGUST, 2016.

P. C. :

1. This is an appeal preferred against the refusal of ad interim injunction. It is submitted by the learned counsel for the appellant that the Notice of Motion is yet pending before the Trial Court. In view thereof, it would serve the interest of justice, if both the parties are directed to appear before the Trial Court to proceed with the hearing of the Notice of Motion. Accordingly, this appeal is dismissed.

2. Both the parties are directed to appear before the Trial Court on 17.10.2016.

3. The Trial Court to proceed with the hearing of the Notice of Motion and decide it as early as possible. It is clarified that, no interim

relief is granted meanwhile.

4. The Civil Application is also disposed of in view of the dismissal of the appeal.

[DR. SHALINI PHANSALKAR-JOSHI, J.]