

Amk

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

APPEAL FROM ORDER NO. 658 OF 2014

Waman Pandurang Patil
Through C. A. Laxman Pandurang Patil .. Appellant
Vs.
Kanu Prabhu Padtare & Ors. .. Respondents

Mr. Mahesh Joshi for the Applicant.
Mr. Bhavik Manek i/b VMA Legal for Respondent No.1.
Ms. Madhuri More for Respondent Nos.2 & 3-BMC.

CORAM : G. S. KULKARNI, J.
DATE : 15th NOVEMBER, 2016.

P. C. :

1. Heard Mr. Joshi, learned counsel for the appellant, Mr. Bhavik Manek, learned counsel for respondent No.1 and Ms. More, learned counsel for respondent Nos.2 and 3-Municipal Corporation.
2. This appeal challenges the impugned order dated 16.04.2016 passed by the City Civil Court, Mumbai in Notice of Motion No. 2813 of 2013 whereby the learned Trial Judge has dismissed the Notice of Motion. This appeal is pending before this Court from the year 2014. There is no ad interim protection granted. The parties mutually submit that the suit has proceeded and is at an advance stage in as much as the suit is now placed for final hearing.
3. In view of the above position, the parties agree that this appeal need not be kept pending and be disposed of as the suit itself is

being decided. The submission is fair. The appeal is, accordingly, disposed of. All contentions of the parties are expressly kept open.

[G. S. KULKARNI, J.]