

IN THE HIGH COURT OF JUDICATURE AT BOMBAY

CIVIL APPELLATE JURISDICTION

APPEAL FROM ORDER (ST)NO.19564 OF 2016

Sharif Habibulla Gughe Idu Shaikh

..Appellant

V/s

Municipal Corporation of Greater
Mumbai and Another.

..Respondents.

Mr. Kuddus Haviulla for Appellant
Mr. Dhananjay R. Gangawane,
Mr. Ravindra Sankpal for the Respondent No.2.

CORAM : G.S.KULKARNI,J.**DATE :14th DECEMBER,2016**P.C.:

1. Heard learned counsel for Appellant and for the Respondent No.2.
2. This appeal is directed against an ad-interim order dated 16th May 2016 passed by the learned City Civil Judge at Mumbai in L.C Suit No.1063 of 2016. By the impugned order, the learned trial Judge has refused to grant ad-interim order on the draft Notice of Motion taken out on behalf of the above plaintiff. Admittedly, from the date of filing of this appeal, there is no ad-interim

protection which has been granted. Learned counsel for Respondent No.2 informs the Court that the Notice of Motion itself is placed for hearing before the learned trial Judge on 21st December,2016. If that be the case, the learned counsel for the Appellant fairly submits that it would be in the interest of the parties that the Notice of Motion itself is heard and disposed of by the learned trial Judge. The Appellant is, therefore, at liberty to pursue the pending Notice of Motion. All contentions of the parties on merit are kept open. The learned trial Judge to decide the Notice of Motion without being influenced by the prima facie observations made in the impugned ad-interim order.

2. The Appeal from Order accordingly does not require any further adjudication. It is disposed of in the the above terms. There will be no order as to costs.

[G.S.KULKARNI,J.]