

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION

APPEAL FROM ORDER NO.17 OF 2016
ALONG WITH
CIVIL APPLICATION NO.27 OF 2016
IN
NOTICE OF MOTION NO.4378 OF 2015
IN
B.C.C.L.C. SUIT NO.2291 OF 2015

Abdul Haque Abdul Sattar Siddiqui Appellant/Applicant
V/s.
The Municipal Corporation of Greater Mumbai Respondent

Mr. Drupad S. Patil, a/w. Ms. Ulka Saranjame, for the Appellant-Applicant.
Mrs. Madhuri More for the Respondent-BMC.
Mr. V.T. Dubey for the Intervenor.

CORAM : DR. SHALINI PHANSALKAR-JOSHI, J.

DATE : 27TH SEPTEMBER 2016.

P.C. :

1. Heard learned counsel for the parties.
2. This Appeal is preferred against the order dated 20th November 2015 passed by the learned Judge of the City Civil Court, Mumbai in Notice of Motion No.4378 of 2015 in L.C. Suit No.2291 of 2015, thereby refusing ad-interim relief to the appellant. It is pertinent to note that, even after refusal of the said relief, the Trial Court has granted ad-interim protection to the appellant for two weeks therefrom and thereafter this Appeal was preferred by the appellant. In this Appeal also, the said ad-

interim protection was extended. Now it is submitted that the Notice of Motion No.4378 of 2015 is yet pending before the Trial Court.

3. In view thereof, there is no point in deciding this Appeal against refusal of the ad-interim relief, which is continued from time to time till today. It would be convenient and necessary for both the parties to appear before the Trial Court and proceed with the hearing of Notice of Motion No.4378 of 2015 itself.

4. Accordingly, this Appeal is disposed of with a direction to both the parties to appear before the Trial Court and co-operate with the Trial Court for hearing of Notice of Motion No.4378 of 2015.

5. Trial Court to decide the said Notice of Motion as expeditiously as possible and preferably within a period of eight weeks from today.

6. Meanwhile, the ad-interim protection granted by the Trial Court, which has been extended by this Court, shall continue to operate till the decision on Notice of Motion No.4378 of 2015.

7. In view of the above, Civil Application No.27 of 2016 pending in this Appeal no more survives and the same stands disposed of accordingly.

[DR. SHALINI PHANSALKAR-JOSHI, J.]