

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

Amk

**APPEAL FROM ORDER NO. 491 OF 2016
WITH
CIVIL APPLICATION NO. 637 OF 2016**

Mrs. Anita Ashok Shetye & Ors. .. Appellants
Vs.
Mr. Prakash Dhondur Shetye & Ors. .. Respondents

Mr. Meit Sampat i/b Little & Co. for the Appellants.
Mr. Hamid Ab. for Respondent No.2.
Mr. S. S. Redekar for Respondent No.1.

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

P. C. :

1. This appeal is preferred against the disposal of the Notice of Motion 2446 of 2016 by the order dated 08.10.2015.
2. It is submitted by the learned counsel for the respondents that the suit, in which the Notice of Motion was filed, is already fixed for hearing and merely because this appeal is pending in this Court, the hearing of the suit is being protracted. In view thereof, as the issue involved in this appeal can be effectively decided at the time of hearing of the suit itself, the appeal is disposed of with direction to both the parties to co-operate with the Trial Court for proceeding with the hearing of the suit.
3. As the appeal is disposed of, the Civil Application does not survive and stands disposed of.

[DR. SHALINI PHANSALKAR-JOSHI, J.]