

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY****ORDINARY ORIGINAL CIVIL JURISDICTION****APPEAL (L) NO. 468 OF 2016  
IN  
NOTICE OF MOTION NO. 2592 OF 2016  
IN  
SUIT NO. 880 OF 2016**

Ms Anita wd/o. Mumukhsu Mudgal .. Appellant  
versus  
Mr. Sajid Nadiadwalla & Ors. .. Respondents

Mr. R. R. Mishra i/b. Mr. Hitesh Dabhi for Appellant.  
Mr. Vaibhav Bhure with Ms Mansi Nair i/b. M/s. Naik Naik & Co. for Respondent No. 1.  
Mr. Akshay Patil i/b. Mr. R. M. Azim for Respondent No. 2.  
Ms S. Bedi i/b. Z. Associates for Respondent No. 3.  
Mr. Rohan Kadam with Mr. Sanjay Kadam, Sanjil Kadam, Deepak E., Sayalee Rajpurkar i/b. M/s. Kadam & Co. for Respondent No. 4.

**CORAM: DR. MANJULA CHELLUR, C. J. AND  
M. S. SONAK, J.  
DATE : 21 DECEMBER 2016**

**P.C.:**

1] Learned counsel for the appellant contends that since the order dated 30<sup>th</sup> August 2016 was referred to in the impugned order dated 22<sup>nd</sup> November 2016, the disposal of the notice of motion was not on merits. The appellant has to blame herself if it was not heard on merits since none appeared for the plaintiff before the learned Single Judge when notice of motion no. 2592 of 2016 came up on 22<sup>nd</sup> November 2016.

2] The respondents' counsel has brought to our notice that already

another appeal is filed challenging the order dated 30<sup>th</sup> August 2016 and the Court did not even allow the circulation since the film was already released on 3<sup>rd</sup> June 2016.

3] We need not hear the appeal on merits since the appellant can approach the learned Judge in the suit and seek disposal of the notice of motion on merits since she did not appear on 22<sup>nd</sup> November 2016 for the reasons which could be reasonable for such absence.

4] Accordingly, the appeal is disposed of.

**CHIEF JUSTICE**

**(M. S. SONAK, J.)**

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