

SSK

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION
APPEAL FROM ORDER NO. 1219 OF 2014

Ifitikar Abass Naik

...Appellant

Versus

Sajjad Hussain Hasan Hyder & Ors

...Respondents

None for the Appellant.

Ms. S. Patole, for Respondents nos.1 and 2.

CORAM: Smt. Anuja Prabhudessai, J
DATE : 16th April, 2018.

PC:-

1. None present for the Appellant. The Appellant herein has challenged the order dated 4th January, 2013, whereby the learned City Civil Court, Bombay had vacated the *ex parte* order and directed the parties to maintain *status quo* till the disposal of Notice of Motion filed in SC Suit No.562 of 2014 earlier SC Suit (stamp) No.5789 of 2012.

2. The learned Counsel for the Respondents submits that the Suit was dismissed for default on 26nd December, 2012. She has submitted that no restoration application has been filed till date. She has placed on record the case status. The same is taken on record and marked 'X' for identification.

Since the Suit itself has been dismissed for default and no application for restoration was filed or is pending, the Appeal has become infructuous. Hence, the Appeal is dismissed.

[Smt. Anuja Prabhudessai, J.]