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

**APPEAL FROM ORDER NO.422 OF 2015
WITH
CIVIL APPLICATION NO.548 OF 2015
IN
APPEAL FROM ORDER NO.422 OF 2015**

Ashok Harakchand Shah ... Appellant
V/s.
Chiman Gajubhai Patel and ors ... Respondents

Mr. Vishal Kanade a/w Ms. Bhairavi Pathak i/by I.R.
Joshi & Co., for the appellant.

CORAM : DR.SHALINI PHANSALKAR-JOSHI, J.

DATE : 25th SEPTEMBER, 2018.

P.C. :

- 1] Heard learned counsel for the appellant.
- 2] This Appeal is directed against the order dated 30th December, 2014, passed by the Civil Judge Senior Division, Daman, below Exh.5, in Special Civil Suit No.2 of 2010, thereby rejecting the application for interim injunction.
- 3] This Court, while issuing notices to respondents, by order dated 30th March, 2015, has also ordered that thatA ad-interim protection granted by the Trial Court on 20.01.2010, below Exh.5 to continue till next date. Since then the said order is running against the respondent.

4] As per office record, respondents are duly served with notice. However, none of the respondent has appeared in Appeal.

5] In view, thereof, there is no point in keeping this Appeal pending. It is submitted that the affidavit-in-lieu-of-evidence has already been filed in the suit before the trial Court. Therefore, this Appeal is disposed off by continuing the order of ad-interim relief extended by this Court vide order dated 30th March, 2015, till decision of the suit.

6] In view of disposal of the Appeal itself, pending Civil Application therein no more survives, and the same is disposed off accordingly.

[DR.SHALINI PHANSALKAR-JOSHI, J.]