

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

**APPEAL FROM ORDER NO. 691 OF 2015
WITH
CIVIL APPLICATION NO. 844 OF 2015**

Bhanjibhai Lakhabhai Barad	...	Appellant
V/s.		
Municipal Corporation of Greater Mumbai	...	Respondent

**WITH
CIVIL APPLICATION NO. 972 OF 2015
IN
APPEAL FROM ORDER NO. 691 OF 2015**

Babubhai Lakhabhai Barad	...	Intervenor/ Applicant
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In the matter between

Bhanjibhai Lakhabhai Barad	...	Appellant
V/s.		
Municipal Corporation of Greater Mumbai	...	Respondent

- Ms.Aditi Naikare i/b. Mr.Pradeep J. Thorat for the Appellant.
- Mrs.Madhuri More for the Respondent-Corporation.
- Ms.Asmita Jaiswal a/w. Mr.Roopesh for the Intervenor in CAA/972/2015.

CORAM : DR.SHALINI PHANSALKAR-JOSHI, J.

DATE : 15th OCTOBER, 2018.

P.C. :

1] Heard learned counsel for both the parties.

2] It is submitted that in the Appeal From Order No.772 of 2015, which was preferred by the mother of the present Appellant,

against the refusal of the ad-interim relief in Notice of Motion No.1058 of 2015 in L.C. Suit No.883 of 2015, this Court has vide its order dated 28/11/2016 directed the trial Court to decide the Notice of Motion itself by extending the ad-interim protection granted by this Court and with this direction, the Appeal from Order is disposed of.

3] It is submitted that the said Notice of Motion is yet not decided.

4] The present Appeal is preferred by the Appellant against the refusal of the ad-interim relief, in Notice of Motion No.1059 of 2015 in L.C. Suit No.884 of 2015

5] In view thereof, this Appeal can be disposed of by giving similar directions to the trial Court to decide the said Notice of Motion on its own merits. The order of ad-interim protection granted by this Court in this Appeal shall continue to operate till the decision of the Notice of Motion.

6] The Appeal along with Civil Application(s) therein stand disposed of in above terms.

[DR.SHALINI PHANSALKAR-JOSHI, J.]