

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION

APPEAL FROM ORDER NO.343 OF 2016
ALONG WITH
CIVIL APPLICATION NO.444 OF 2016

Aslam Yasmin Korbu V/s. State of Maharashtra, Through the Education Directorate, Mumbai and Ors.	 Appellant-Applicant Respondents
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Mr. Ashok Kumar Mishra for the Appellant-Applicant.

Mr. A.R. Patil, A.G.P., for Respondent No.1-State.

CORAM : DR. SHALINI PHANSALKAR-JOSHI, J.

DATE : 21ST AUGUST, 2018.

P.C. :

1. Heard Mr. Mishra, learned counsel for the Appellant-Applicant, and Mr. Patil, A.G.P. for Respondent No.1-State.

2. This Appeal is preferred against the order dated 31st July 2015 passed by the City Civil Court at Dindoshi, Mumbai, thereby rejecting the ad-interim relief sought in the Draft Notice of Motion in S.C. Suit No.2065 of 2015.

3. Considering that this matter is pending in the Court since last more than three years; that too, against the refusal of the ad-interim relief, it would be just and proper that both the parties are relegated to

the Trial Court for deciding the Notice of Motion itself, which is pending before the Trial Court, or the Suit, which will be considered appropriate by the Trial Court. Accordingly, no case is made out for interference in the order of refusal of the ad-interim relief passed by the Trial Court in the Draft Notice of Motion.

4. Appeal, along with Civil Application therein, stands dismissed.
5. Trial Court to decide the Draft Notice of Motion as expeditiously as possible.

[DR. SHALINI PHANSALKAR-JOSHI, J.]