

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

**APPEAL FROM ORDER NO. 799 OF 2016
WITH
CIVIL APPLICATION NO. 999 OF 2016**

Municipal Corporation of Greater Mumbai & Anr. ... Appellants
V/s.
Smt.Veena Shrikant Naik & Anr. ... Respondents

- Mr.Narendra V. Walawalkar a/w. Mrs.Madhuri More for the Appellants-MCGM.
- Mr.S.S. Redekar for the Respondents.

CORAM : DR.SHALINI PHANSALKAR-JOSHI, J.

DATE : 28th JANUARY, 2019.

P.C. :

- 1] Heard learned counsel for the parties.
- 2] The Appeal is against the order dated 17/01/2015 passed by the City Civil Court, Mumbai, thereby allowing the Notice of Motion No.4811 of 2014 filed in L.C. Suit No.3469 of 2014.
- 3] It is submitted by learned counsel for the Respondents that the suit is now fixed for hearing. The impugned order otherwise is also running since last about four years. In view thereof, it would be appropriate to direct the trial Court to decide the suit itself on its own merits.

4] Therefore, the trial Court is directed to decide the suit on its own merits not being influenced by the observations made in the impugned order.

5] The Appeal and the Civil Application stand disposed of in above terms.

[DR.SHALINI PHANSALKAR-JOSHI, J.]