

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

**APPEAL FROM ORDER NO.694 OF 2016  
WITH  
CIVIL APPLICATION NO.875 OF 2016  
IN  
APPEAL FROM ORDER NO.694 OF 2016**

|                                                 |                |
|-------------------------------------------------|----------------|
| Vishnu Parmanand Shahani and Ors.               | ...Appellants  |
| Versus                                          |                |
| Jeetendra Deepak Vazirani and Ors.              | ...Respondents |
| .....                                           |                |
| None for the Appellants.                        |                |
| Ms Deepa Pohuja for the Respondent Nos.6 and 7. |                |

**CORAM : SMT. ANUJA PRABHUDESSAI, J.**

**DATE: 26<sup>th</sup> FEBRUARY, 2019.**

**P.C.:-**

By this appeal the Appellant has challenged rejection of ad-interim relief in draft notice of motion filed in S.C. Suit No.1985 of 2015 before the City Civil Court, Mumbai. Today, when the matter was called, neither the Appellant nor his counsel was present. The learned counsel for the Respondent Nos.6 and 7 submitted that the notice of motion has itself been dismissed for non prosecution. She has tendered copy of the daily status dated 20/6/2016, which is taken on record and marked 'X' for identification.

2. A perusal of the said daily status shows that the notice of motion has itself been dismissed. Hence, the appeal itself has rendered infructuous and is accordingly dismissed.

3. In view of dismissal of the Appeal from Order, the civil application does not survive and hence stands disposed of.

**(SMT. ANUJA PRABHUDESSAI, J.)**