

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

**APPEAL FROM ORDER (ST) NO.25987 OF 2019
WITH
INTERIM APPLICATION NO.1 OF 2019**

Mrs. Sarita Deepak Patil	...	Appellant
Versus		
Municipal Corporation of Greater Mumbai	...	Respondent

**ALONG WITH
APPEAL FROM ORDER (ST) NO.25369 OF 2019
WITH
INTERIM APPLICATION NO.1 OF 2019**

Miss. Shweta Deepak Patil	...	Appellant
Versus		
Municipal Corporation of Greater Mumbai	...	Respondent

.....

Mr. Brijesh Shukla i/b Mr. Heeralal K. Mourya for the Appellants in both the appeals.

Ms. Madhuri More for the Respondent-MCGM.

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CORAM : S.C. GUPTE, J.

DATE : 25 SEPTEMBER 2019

P. C. :

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. Heard learned Counsel for the parties.

2 This Appeal from Order challenges an order passed by the City Civil Court at Dindoshi, Borivali Division, on a notice of motion. The impugned order does not show any adjudication either *prima facie* or otherwise. The impugned order indicates that the court is considering the matter and till then no coercive action should be taken in respect of the suit structure. It is difficult how the Appellant can be aggrieved by such an order. In fact, it is pointed out at the hearing of the Appeal from Order that by an order passed by the court on 18 September 2019, the ad-interim application of the plaintiff has been rejected by the court. If the plaintiff is aggrieved by that order, she may adopt an appropriate remedy. The present Appeal from Order has no merit and hence, dismissed.

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3 The subject matter of challenge in this Appeal from Order is a notice issued by the Respondent-corporation on 8 August 2019. No text of the impugned order is produced with the Appeal from order. At the hearing of the appeal, it is pointed out on behalf of the Respondent-corporation that the trial court, by its order passed on 29 August 2019, has refused ad-interim reliefs to the plaintiff. There is no appeal from that order. If the plaintiff is aggrieved by the order of 29 August 2019, it will be open for her to file an appropriate challenge. The present Appeal from Order has no merit and is, hence, dismissed.

4 In view of the dismissal of the Appeals from Order, the Interim Applications in the respective appeals do not survive and are disposed of as such.

(S.C. GUPTE, J.)