

Dond

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

**APPEAL FROM ORDER NO. 449 OF 2019
WITH
INTERIM APPLICATION NO. 1 OF 2020
AND
CIVIL APPLICATION NO. 616 OF 2019**

Farim Adam Kalsekar through
Constituted Attorney

...Appellant.

Vs

The Municipal Corporation of Greater
Mumbai & Anr.

..Respondents

Ms. Manjiri Parasnis for Appellant.
Ms. Oorja Dhond for respondent/MCGM.
Mr. Javed Akhtar for respondent No.2.

**CORAM : A.S.GADKARI, J.
DATE : 31st January 2020.**

P.C.:

1] The learned Trial Court by its Order dated 6.12.2017 had refused to grant ad-interim relief at the time of hearing of the draft Notice of Motion in L.C. Suit No.2679 of 2017. The record indicates that, the said draft Notice of Motion is now numbered as 4370 of 2017.

2] After hearing the learned counsel for the Appellant at length, when this Court expressed its disinclination to grant relief, the learned counsel on instructions seeks leave to withdraw the present appeal with liberty to agitate all

her contentions before the Trial Court at the time of hearing of the Notice of Motion No.4370 of 2017.

Leave and liberty granted.

3] The record indicates that, by Order dated 15.1.2018 this Court granted interim relief to the appellant. In view thereof, the learned Judge seized of Notice of Motion No.4370 of 2017 in L.C. Suit No.2679 of 2017 is requested to dispose off the said Notice of Motion within a period of three weeks from receipt of this Order.

4] Till the disposal of Notice of Motion No.4370 of 2017, interim relief granted by Order dated 15.1.2018 to remain in force.

5] Appeal is disposed off in the aforesaid terms.

6] In view of disposal of appeal, Interim Application No.1 of 2020 and Civil Application No.616 of 2019 do not survive and the same are accordingly disposed off.

(A.S.GADKARI, J.)