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IN THE HIGH COURT OF JUDICATURE AT BOMBAY

CIVIL APPELLATE JURISDICTION

WRIT PETITION NO.10808 OF 2015

The Municipal Corporation of Greater Mumbai Petitioner
Versus
Mr. G.M. Shaikh & Anr. Respondents

Mr. Suresh Pakale a/w. Mr. Santosh Parad for the Petitioner.
Mr. M. Shah i/b. Bharucha & Partners for Respondent Nos.1 & 2.

CORAM : VALMIKI SA MENEZES, J.

DATE : 19th DECEMBER, 2022

PC. :

1. The Petitioner challenges order dated 09.05.2013 passed in Notice of Motion No.1279 of 2013 in L.C.Suit No.2326 of 2009 before the City Civil Court, Bombay, whereby the Trial Court has rejected the Petitioner's application to take on record its written statement, which was sought to be filed after a delay of more than three years from the date of receipt of summons in the suit.

2. Learned counsel for the Respondents/original Plaintiffs in L.C.Suit No.2326 of 2009 tenders a copy of judgment and decree dated 18.06.2014 passed by the City Civil Court, Bombay in the said suit, whereby the suit has been decreed. The decree and judgment is taken on record and marked 'X' for identification. He further states on the instructions received from his clients that no notice of any appeal impugning the said judgment and decree has been received by the Respondents.

3. That the proceedings before the Trial Court having since been disposed, nothing further survives in the present petition. Needless to state that in case the Petitioner files an appeal against the judgment and decree passed by the Trial Court, liberty is granted to incorporate such grounds in the appeal, and to challenge the order impugned in this petition thereon. With the liberty granted as above, since the present writ petition does not survives, the same is disposed of accordingly.

[VALMIKI SA MENEZES, J.]