

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

**APPEAL FROM ORDER NO. 162 OF 2023
WITH
INTERIM APPLICATION NO. 2091 OF 2023**

SANTOSH
SUBHASH
KULKARNI

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Rashmi Yarns Limited & anr. ...Appellants

Versus

Bharat Co-operative Bank (Mumbai) Ltd. &
ors. ...Respondents

Ms. Neha Mishra, i/b Hemali Merva, for the Appellants.

Mr. Anil Bagwe, for Respondent No.1.

Ms. Vaishali Bhilare, for Respondent Nos.3 and 4.

CORAM: N. J. JAMADAR, J.

DATED : 26th APRIL, 2023

PC:-

1. This appeal is directed against an order dated 20th December, 2022, whereby the learned Judge, City Civil Court, declined to grant *status quo* and directed the defendants to file affidavit-in-reply to the Notice of Motion taken out by the plaintiff.

2. The learned Counsel for respondent Nos.3 and 4 submits that in the intervening period the appellant has taken out another Notice of Motion which also came to be rejected by the trial court.

3. Since the challenge in this appeal is to an order refusing to direct *status quo* and the Notice of Motion yet awaits

adjudication, it may be expedient that the Notice of Motion itself be decided by the City Civil Court.

4. There is no propriety in entertaining the appeal against an order which declined to direct *status quo* at that moment.

5. Hence, the appeal stands disposed with a request to the trial court to decide the Notice of Motion in accordance with law.

6. In view of disposal of the appeal, the interim application does not survive and also stands disposed.

[N. J. JAMADAR, J.]