

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

APPEAL FROM ORDER NO. 155 OF 2023

**SANTOSH
SUBHASH
KULKARNI**

Digitally signed by
SANTOSH SUBHASH
KULKARNI
Date: 2023.04.13
18:03:43 +0530

Hiralal Rajaram Yadav

...Appellant

Versus

The Municipal Corporation of Greater
Mumbai

...Respondent

**WITH
INTERIM APPLICATION NO. 2070 OF 2023**

None for the Appellant.

Ms. Smita Tondwalkar, for the MCGM/Respondent.

CORAM: N. J. JAMADAR, J.

DATED : 12th APRIL, 2023

PC:-

1. None present for the appellant.
2. The challenge in this appeal is to an order dated 9th January, 2023, passed by the learned Judge, City Civil Court, whereby the matter came to be posted for dismissal order to 27th January, 2023. A bare perusal of the roznama of the proceedings indicates that the sufficient opportunity was granted to the plaintiff and, thereafter, the matter came to be posted for dismissal order on 27th January, 2023.
3. Since the order is only of posting the matter for dismissal order, it may not be amenable to appeal.

4. In any event, as none appears for the appellant, the appeal stands dismissed for want of prosecution.

5. In view of dismissal of the appeal, interim application does not survive and stands disposed.

[N. J. JAMADAR, J.]