

Vidya Amin

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION

APPEAL FROM ORDER NO. 315 OF 2016
WITH
CIVIL APPLICATION NO. 404 OF 2016

Praful Chheda ... Appellant/
Applicant

Versus

Assistant Engineer (B & F) & Anr. ...Respondent

WITH
CIVIL APPLICATION NO. 975 OF 2016

Devendra S. Doctot ... Applicant

Versus

Praful Chheda ...Respondent

None present for the appellant.

Mr. R.Y. Sirsikar for the respondent/MCGM.

CORAM: G. S. KULKARNI, J.
DATED: 4 January 2023

P.C.

1. None for the appellant.
2. This Appeal from Order is directed against an order dated 22 February, 2016 passed by the learned Judge of the City Civil Court. The impugned order reads thus:

“ORDER

Prayer of ad-interim injunction stands rejected.

Adjd. For NM reply to 13/04/2016.”

3. As clearly seen from the impugned order, it is rejection of an ad-interim injunction while adjourning the Notice of Motion for reply to 13 April, 2016. It is almost six years that the Appeal is pending. Certainly the Notice of Motion being in an interlocutory application, the suit must have progressed and certain orders must have been passed. If the Notice of Motion is still pending, the same would be required to be decided by the learned trial Judge expeditiously.

4. It is seen from the record of the present proceedings that when this Appeal was moved before the co-ordinate Bench of this Court on 25 February, 2016, the following order was passed:

- “1. Not on board. Upon mentioning, taken on board.*
- 2. Leave to amend.*
- 3. This Appeal is filed against the refusal of ad-interim injunction. The said order continued till 22 February, 2016. The learned counsel submitted that till today the reasoned order is not yet available and, therefore, he seeks continuation of the interim order earlier passed by the trial Court.*
- 4. In view of this, the parties to maintain status quo as on today till 14 March, 2016.”*

5. The above order appears to have been continued till date. In my opinion, in the aforesaid circumstances, no useful purpose would be served in keeping this appeal pending any further. It is accordingly disposed of by keeping open all contentions of the parties in the pending proceedings before the City Civil Court. The learned Judge of the City Civil Court is directed to decide the Notice of Motion expeditiously, if not already decided and in any event within a period of six months from today. The protection as granted by this Court vide order dated 25 February, 2016 shall continue to operate till the decision on the Notice of

Motion, unless the same is not already decided. It is clarified that in the event the Notice of Motion was decided and disposed of, the said protection shall not be available to the appellant.

6. Disposed of in the aforesaid terms.

7. In view of disposal of Appeal from Order, Civil Applications do not survive and the same are accordingly disposed of.

8. No costs.

(G. S. KULKARNI, J)