

Vidya Amin

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

**APPEAL FROM ORDER NO. 920 OF 2014
WITH
INTERIM APPLICATION (ST.) NO. 4842 OF 2022
WITH
CIVIL APPLICATION NO. 1112 OF 2014**

Mrs. Vishaka V. Dandekar & Ors. ... Appellants

Versus

Municipal Corporation of Greater Mumbai & Anr. ... Respondents

Mr. Nachiket V. Khaladkar for the appellants.

Mr. R.Y. Sirsikar for respondent no. 1/MCGM.

Ms. Hina A. Mody i/b. Mr. Vijay Advani for respondent no. 2.

CORAM: G. S. KULKARNI, J.

DATED: 4 January 2023

P.C.

1. This Appeal from Order is directed against an order dated 3 September, 2014 passed by the learned Judge, City Civil Court at Dindoshi, Borivali Division, Mumbai on a draft Notice of Motion in L.C. Suit No. 1546 of 2014. The impugned order is an ad-interim order. Learned Judge for the reasons as recorded has refused the ad-interim relief.

2. As the present proceedings are pending before this Court since 2014, in my opinion, further adjudication on this appeal would not be warranted, as the Notice of Motion itself would be required to be decided, if already not decided. Ordered accordingly.

3. All contentions of the parties on the proceedings of the suit are expressly kept open.

4. It also needs to be noted that as seen from an additional affidavit filed on behalf of the appellant consent terms were entered between the appellant/plaintiff and defendant no. 2 in Notice of Motion No. 2078 of 2014 in L.C. Suit No. 1546 of 2014 as also in connected suit, being L.C. Suit No. 1773 of 2014 where the plaintiff and defendant no. 2 have agreed to resolve their disputes under such consent terms. In this view of the matter, the parties are free to take recourse to such appropriate pleas as may be permissible to them in law in the pending appeals.

5. In the event, any parties to the original suit have expired, liberty to the parties to file appropriate proceedings in the pending suit.

6. Appeal from Order is disposed of.

7. In view of disposal of Appeal from Order, the above Interim Application as also the Civil Application, do not survive. The same are accordingly disposed of.

8. No costs.

(G. S. KULKARNI, J)