

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION
APPEAL FROM ORDER NO. 837 OF 2023
WITH
INTERIM APPLICATION NO. 16093 OF 2023

Mr. Nikhil Kunal Chaudhari

...Appellant

V/s.

Mrs. Kanchan Kunal Chaudhari

and Ors.

...Respondents

Mr. Ashwin Shete a/w. Mr. Akshay Arora i/by. M/s. Jayakar & Partners, for the Appellant.

Mr. Mohan Rao, for Respondent Nos. 1 and 2.

CORAM : SANDEEP V. MARNE, J.

Dated : 9 October 2023.

P.C. :

1. The challenge in the present Appeal is to the order dated 11 September 2023 by which the City Civil Court has declined to grant any *ad-interim* relief in the draft Notice of Motion. The draft Notice of Motion had been filed seeking temporary injunction against Defendant Nos.1 and 2 from renewing the leave and license agreement dated 29 November 2022. The learned counsel appearing for Respondents No.1 and 2, on instructions makes a statement that so

far Defendants No. 1 and 2 have not renewed the leave and license agreement dated 29 November 2022.

2. In that view of the mater, this Appeal need not be entertained and can be disposed of with a request to the City Civil Court to decide the Notice of Motion. Accordingly, the Appeal is **disposed of** leaving all the contentions of the parties open for being agitated before the City Civil Court at the time of decision of the Notice of Motion. The City Civil Court shall proceed to decide the Notice of Motion on its own merits as expeditiously as possible.

3. With disposal of the Appeal from Order, Interim Application No. 16093/2023 for stay does not survive. The same is disposed of as having become infructuous.

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SANDEEP V. MARNE, J.