

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD**

APPEAL FROM ORDER NO. 11 OF 2015

The Municipal Corporation, Aurangabad
Through Its Commissioner .. Appellant

Versus

Syed Akefuddin Razvi Syed Gayasoddin
Razvi .. Respondent

Mrs. Ratna R. Mane, Advocate for the Appellant.
Shri A. D. Kasliwal, Advocate for the Respondent.

**CORAM : S. V. GANGAPURWALA, J.
DATE : 28TH AUGUST, 2015.**

PER COURT :

. Mrs. Mane, the learned counsel for the appellant submits that, the Trial Court while allowing Exhibit 5 has not considered the fact that, if any loss is caused, same can be compensated in terms of money. No blanket injunction could have been granted restraining local authority from recovering the tax. The learned counsel submits that, the Trial Court while passing the order has lost sight of elementary principle governing injunction.

2. Mr. Kasliwal, the learned counsel for the respondent submits that, as per the directions of the Court, the applicant has deposited Rs. 1,00,000/- and thereafter Rs. 50,000/-. The

matter now is for evidence. The plaintiff has already led his evidence and he is also cross examined and matter is now kept for evidence of witnesses of plaintiff. There is no evidence to show that the plaintiff has constructed new building.

3. I have considered the submissions. The order impugned is passed in the year 2012. The suit is now at the stage of evidence. The evidence is commenced, wherein plaintiff is examined and cross examined.

4. It would not be in the interest of any party to keep the present appeal pending. Considering the above, the appeal from order is disposed of. The Trial Court where the suit is pending shall endeavour to dispose of the suit expeditiously and preferably within a period of nine (9) months from today. All contentions of respective parties are kept open. No costs.

[S. V. GANGAPURWALA, J.]

bsb/Aug. 15