

IN THE HIGH COURT OF JUDICATURE AT BOMBAY

BENCH AT AURANGABAD

**APEAL FROM ORDER NO. 13 OF 2014
WITH CA/894/2014 IN AO/13/2014**

**SANGAMNER MUNICIPAL COUNCIL
VERSUS
BHARAT SANCHAR NIGAM LTD.**

...
Advocate for the appellant : Mr. Badakh Vishal S.

...
CORAM : S. V. GANGAPURWALA, J.

DATE : 19th August, 2015

PER COURT :

1. The application for temporary injunction restraining the present appellant-original defendant from recovering the amount is allowed. Mr. Badakh, learned counsel for the appellant states that the appellant is a local authority and the bills issued to the present respondents in respects of damages are assailed. Only part amount has been deposited by the respondent. The Court could not have granted injunction more particularly in respect of monetary matters. The learned counsel submits that now the matter is posted for evidence of the plaintiff. It has been observed that the respondent has already deposited amount of Rs.26,51,338/- with the present appellant. The Court has observed that the contention of the respective parties would be a matter of evidence. The validity of the notice will also be required to be ascertained. It is not that the respondents have not deposited any amount.

2. In the light of above, the appeal from order is disposed of.

3. The trial court where the Special Civil Suit bearing No. 19/2012 is pending shall dispose of the suit expeditiously, preferably within one year.
4. Pending civil application also stand disposed of. No costs.

(S. V. GANGAPURWALA, J.)

JPC