

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

WRIT PETITION (STAMP) NO.4347 OF 2015

Shri. Jairaj Devidas and others

.. Petitioners

Versus

Shri. Keshav Shivram Chauhan and others

.. Respondents

**Shri. A. G. Damle, Senior Advocate i/by Shri. Satish L. Modi, for the
Petitioners.**

Shri. K. I. Khandelwal for Respondent No.3.

Shri. N. R. Bubna, for the Respondent No.2.

CORAM : R.M. SAVANT, J.

DATE : 12th MARCH, 2015

PC.

1. The Writ Jurisdiction of this Court is invoked against the order dated 11.12.2014 passed by the Learned Adhoc District Judge-2, Thane, by which order the Respondent No.1 i.e. Mira Bhayandar Municipal Corporation is directed to maintain status-quo in respect of the suit premises. The said Misc. Civil Appeal No.215 of 2014 is filed challenging the order dated 08.12.2014 by which the application for temporary injunction filed by the Respondent/Plaintiff being Exh.5 came to be rejected. The suit in question has been filed challenging the order passed by the Deputy Commissioner of the Respondent Municipal Corporation pursuant to the notice issued under Section 478 of the Maharashtra Municipal Corporation Act, 1949 alleging unauthorized construction carried out by the Plaintiff. As indicated above, the Trial

Court has rejected the application Exh.5 filed for temporary injunction by the Plaintiff against which the Plaintiff has filed a Misc. Civil Appeal No.215 of 2014. It is in the said Appeal that an application for temporary injunction Exh.5 came to be filed in which the impugned order dated 08.12.2014 has been passed. In my view, it would be just and proper if without interfering with the impugned order by which the parties are directed to maintain status-quo, the said Misc. Civil Appeal No.215 of 2014 is directed to be disposed within a particular time frame. The Learned Counsel appearing for the Petitioners has no objection to the said course of action being followed. The Lower Appellate Court i.e. Learned Adhoc District Judge-2, Thane is therefore, directed to hear and decide the said Misc. Civil Appeal No.215 of 2014 on or before 8th May, 2015. Having regard to the nature of the direction that is issued, no notice is required to be issued to the Respondent No.1/original Plaintiff. The Learned Counsel appearing for the respective parties before this Court state that the said parties would appear before the Lower Appellate Court and see to it that the Appeal is decided within the time frame as stipulated in the instant order. Needless to state that the said Misc. Civil Appeal would be decided by the Lower Appellate Court on its own merits and in accordance with law uninfluenced by the impugned order. Parties to act upon a copy of this order duly authenticated by the Court Shirestedar.

[R.M. SAVANT, J]