FARAD CONTINUATION SHEET
IN THE HIGH COURT OF JUDICATURE AT BOMBAY.
CIVIL APPELLATE SIDE JURISDICTION.
APPEAL FROM ORDER (ST) NO.6489 OF 2015
WITH
CIVIL APPLICATION (ST) NO.6491 OF 2015

Office Notes, Office Memoranda of Coram, Appearances, court's orders or directions and Registrar's orders	Court's or Judge's orders

Ms. Aparna Deokar i/b. M. P. Vashi for the Appellant
Mrs. M. R. Bhoir for Municipal Corporation

CORAM : K. K. TATED, J.
DATE : MARCH 30, 2015

P.C.:

1. Heard. By this appeal, the Plaintiff challenges the order dated 26/02/2015 passed by the Trial Court declining to grant ad-interim relief in terms of draft Notice of Motion.

2. This matter was on board before this court on 18/03/2015. At that time, this court granted 2 weeks time to the Respondent Corporation to file an Affidavit-in-Reply with copy to other side. The learned counsel for the Respondent submits that he does not have any instructions for filing an Affidavit-in-Reply.

3. The learned counsel for the Appellant submits that in view of paragraph 4 and 5 of the order dated 18/03/2015 this Hon'ble Court be

pleased to direct the Trial Court to decide the Notice of Motion as early as possible.

4. Considering the submissions made by the learned counsel for the Appellant, the impugned order and the averments made in the appeal, following order is passed:

a) The Respondent Corporation is directed to file their Affidavit-in-Reply in the draft Notice of Motion within 3 weeks from today in the Trial Court.

b) Liberty granted to the Appellant Plaintiff to file their rejoinder within 1 week thereafter.

c) Hearing of the Notice of Motion is expedited.

d) Till decision of the Notice of Motion, parties are directed to maintain status-quo.

e) It is made clear that the Appellant cannot carry on any business in the stall till hearing of the Notice of Motion.

f) Appeal from Order stands disposed of accordingly.

g) In view thereof, Civil application does not survive. Same stands dismissed as infructuous.

JUDGE