

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

**APPEAL FROM ORDER NO.447 OF 2015
WITH
CIVIL APPLICATION NO.583 OF 2015**

Office Notes, Office Memoranda of Coram, appearances, Court's orders or directions and Registrar's orders	Court's or Judge's orders.
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Mr.Jitendra Gangakrishna Damani for the
appellant

CORAM : K.K.TATED, J.
DATED : 04/08/2015

PC:

- 1 Heard the learned counsel for the appellant.
- 2 This Appeal from Order is preferred by plaintiff challenging the order dated 12.3.2015 passed by Bombay City Civil Court, Mumbai in draft Notice of Motion in Suit No.521 of 2015 declining to grant any ad-interim relief.
- 3 The learned counsel for the appellant submits that they filed S.C.Suit No.521 of 2015 in the Bombay City Civil Court, Mumbai for an order of declaration and injunction that defendant no.1 has no right or title and interest to park his vehicle in the near vicinity of 6-8 Feet around or in front of the Plaintiff's Society Building known as Bhakti Apartment situated at Jambli Galli, S.V.Road,

Borivali (West), Bombay – 400 092.

4 He submits that the relief claimed by the appellant in the suit is in the nature of mandatory direction to the respondent /defendant no.1. He submits that in the interest of justice, this Hon'ble Court be pleased to expedite the hearing of suit itself so that there cannot be any dispute between the society and defendant no.1 who is claiming right to park his Vehicle. To that effect Advocate for the appellant placed on record praecipe dated 4.8.2015. Same is taken on record and marked 'X' for identification.

5 Considering the submissions made by the learned counsel for the appellant, following order is passed:

- a) Appeal from Order as well as Civil Application stand dismissed as withdrawn.
- b) Hearing of Notice of Motion as well as S.C.Suit No.521 of 2015 is expedited.

(K.K.TATED, J.)