

FARAD CONTINUATION SHEET
IN THE HIGH COURT OF JUDICATURE AT BOMBAY.
CIVIL APPELLATE SIDE JURISDICTION.

APPEAL FROM ORDER (ST) NO.10891 OF 2015
WITH
CIVIL APPLICATION (ST) NO.10893 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. A. K. Saxena for the Appellant
Mrs. M. R. Bhoir for Municipal Corporation

CORAM : K. K. TATED, J.
DATE : APRIL 17, 2015

P.C.:

1. Mentioned. Not on board. At the request of learned counsel for the Appellant, the matter is taken on board for urgent orders.

2. By this appeal, the Appellant original Plaintiff challenges the order dated 13/04/2015 passed by the Bombay City Civil Court, Mumbai in draft Notice of Motion in L.C.Suit No.1013/2015 declining to grant ad-interim relief.

3. The Trial Court, in the impugned order recorded that the Municipal Corporation issued notice dated 05/09/2012 under section 351 of the Mumbai Municipal Corporation Act, 1888 and

thereafter passed order dated 24/12/2012 which was signed on 02/01/2013. The Trial Court also recorded that at the time of passing the order, the Corporation had considered the Plaintiff's reply dated 12/09/2012. Though the said order was passed by the Corporation on 24/12/2012, the Appellant Plaintiff filed suit in Bombay City Civil Court, Mumbai at Dindoshi on 13/04/2015.

4. Considering these facts, I am of the opinion that the Appellant has not made out any case for grant of ad-interim relief.

5. At this stage, the learned counsel for the Appellant, after taking instructions from their clients, who are present in court, seeks permission to withdraw the Appeal from Order with liberty to file appropriate Application before the Trial Court for early hearing of the Notice of Motion. Liberty granted.

6. The Appeal from Order and the Civil Application stand dismissed as withdrawn.

7. Hearing of the Notice of Motion is expedited.

8. This court expects from the Trial Court to decide the Notice of Motion as early as possible but in any case within three months from today.

JUDGE