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IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION

APPEAL FROM ORDER NO.978 OF 2013

Kishanlal U. Jain	...Appellant
V/s.	
Municipal Corporation of Gr.Mumbai & Ors.	...Respondents

Mr.P.J. Thorat for the Appellant.

Mr.A.V. Diwate for the Respondent No.1 - B.M.C.

Mr.R.M. Vasoodeo for the Respondent Nos.2 to 4.

Mr.J.B. Walawalkar i/b Mr.S.P. Thorat for the Respondent No.5.

CORAM : R.D. DHANUKA, J.
DATE : 1ST DECEMBER, 2015.

P.C. :-

1. By this appeal the appellant has impugned the order passed by the learned trial Judge refusing to grant injunction in the notice of motion filed by the appellant (original plaintiff) against the Municipal Corporation. In the present proceedings interim protection has been granted by this Court in favour of the appellant which is in force. By a separate order passed by the Writ Court in Writ Petition No.2923 of 2015, hearing of the suit is already expedited. Mr.Thorat, learned counsel appearing for the appellant states that the suit is ripe for hearing. The appellant has already filed affidavit in lieu of

examination in chief of one of the witness.

2. In view of the fact that the hearing of the suit is already expedited and the affidavit of evidence of one of the witness of the original plaintiff has already been filed, in the facts and circumstances of this case, it would be in the interest of justice if interim protection granted by this Court to continue till the disposal of the suit.

3. I therefore pass the following order :-

a). The parties to the suit are directed to proceed with the trial of the suit including recording of evidence. The interim protection granted by this Court to continue till the disposal of the suit.

b). The learned trial Judge shall dispose of the suit on its own merits without being influenced by the prima-facie observations made by the learned trial Judge.

4. The appeal from order is accordingly disposed of in aforesaid terms. No order as to costs.

(R.D. DHANUKA, J.)