

IN THE HIGH COURT OF JUDICATURE AT BOMBAY***CIVIL APPELLATE JURISDICTION*****APPEAL FROM ORDER NO. 855 OF 2013****ALONGWITH****CIVIL APPLICATION NO.1064 OF 2013****IN****APPEAL FROM ORDER NO. 855 OF 2013****Municipal Corporation of Greater Mumbai Appellants****VERSUS****Pawan Bacharaj Chandan Respondent**

Mr.R.S.Apte, Senior Advocate, a/w. Mr.A.V.Diwate, i/b. Mr.R.A.Malandkar for the Appellants – BMC.

None for the Respondent.

CORAM : R.D. DHANUKA, J.**DATED : 7th DECEMBER, 2015****P.C.**

By this appeal from order, the appellants (original defendants) had impugned the order passed by the learned trial judge on 4th April, 2012 allowing the Notice of Motion No.2858 of 2011 and thereby granting injunction against the appellants from proceeding with the notice issued under section 53 of the MRTP Act and notice under section 48 of the Mumbai Municipal Corporation Act dated 28th November, 2011 till the decision of the suit.

2. In view of the fact that the ad-interim injunction was in force from 2011 till 4th April 2012 and has been confirmed by the learned trial judge on 4th April, 2012 which order is in force till today, the hearing of the suit itself can be expedited. The Municipal Corporation is directed to file written statement if not filed so far

within eight weeks from today. It is made clear that no further extension would be granted.

3. Learned trial judge is directed to dispose of the suit within one year from the date of the Municipal Corporation filing written statement.

4. In view of the reasons stated aforesaid, I am not inclined to interfere with the impugned order dated 4th April, 2012 passed by the learned trial judge. The learned trial judge shall dispose of the suit without being influenced by the observations made by the learned trial judge in the impugned order dated 4th April, 2012 and shall decide the same on its own merits. It is made clear that this court has not expressed any views on the merits of the matter.

5. Appeal from order is disposed of in the aforesaid terms. No order as to costs. In view of the disposal of the appeal from order, civil application does not survive and is accordingly disposed of.

[R.D. DHANUKA, J.]