

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION
**APPEAL FROM ORDER NO.634 OF 2014 with CIVIL
APPLICATION (St) NO.1843 of 2014**

M.C.G.M. .. Appellants
vs
Om Prakash Singh Bachhansingh ..Respondents.

Mr.S.K.Sonawane i/b Mr.V.H.Kedar for Appellants
Mr.D.C.Shah for Respondent

Coram: G.S.KULKARNI, J.
Date : 27th APRIL, 2016.

P. C.

1. Mr.Shah on behalf of the respondents submits that the order which is challenged in this appeal is on a notice of motion taken out on behalf of the plaintiff whereby the notice of motion has been allowed.

2. Admittedly, the impugned interim order is of 2013 and it is in operation till this date. It is submitted that the Suit itself is being listed before the trial Court and the stage of the suit is that it would be heard for framing of issues. If that be the position and that the impugned order itself is operating since 2013 no useful purpose

would be served to keep the Appeal from order pending.

3. Interim orders passed in notice of motion shall continue to operate till the disposal of the suit. The Municipal Corporation is always at liberty to approach the trial Court and seek an early hearing of the suit and make an appropriate application. If such an application on behalf of the Municipal Corporation is made, the same shall be considered on its own merits. The respondent/plaintiff makes a statement that he will co-operate for an early disposal of the Suit before the trial Court. Statement accepted.

4. Appeal is accordingly disposed of. Civil application (St) No.1843 of 2014 would also not survive as the Appeal is disposed of.

(G.S.KULKARNI, J)