

IN THE HIGH COURT OF JUDICATURE AT BOMBAY***CIVIL APPELLATE JURISDICTION*****APPEAL FROM ORDER (ST) NO. 2252 OF 2016****ALONGWITH****CIVIL APPLICATION (ST) NO. 2253 OF 2016****IN****APPEAL FROM ORDER (ST) NO. 2252 OF 2016****Pradeep Mauji Gogri****..... Appellant****VERSUS****Mumbai Municipal Corporation for Greater
Mumbai & Anr.****..... Respondents**

Mr.Uday Warunjikar for the Appellant.

None for the Respondents.

CORAM : R.D. DHANUKA, J.**DATED : 29th JANUARY, 2016****P.C.**

Mr.Warunjikar, learned counsel appearing for the appellant states that the notice of motion in which the learned trial judge has refused to grant ad-interim relief in favour of the appellant is on board today. He submits that the hearing of the notice of motion be expedited. It is also one of the grievance of the appellant that when the appellant applied for return of his articles and goods seized by the defendant while demolishing the structure pursuant to the liberty granted by the learned trial judge in the impugned order dated 21st December, 2015, the defendant has demanded exorbitant amount for return of the articles and goods of the appellant seized by the defendant while demolishing the structure which action is also illegal. It is made clear that the appellant would be at liberty to seek redressal of this grievance also before the learned trial judge.

2. Since the notice of motion itself is being heard finally, I do not propose to interfere with the ad-interim order passed by the learned trial judge. The Municipal Corporation is directed to file affidavit in reply within two weeks from today, if not filed and shall serve a copy thereof upon the plaintiff's advocate simultaneously. Hearing of the notice of motion is expedited. The learned trial judge shall make an endeavour to dispose of the notice of motion within three months from today. It is made clear that the learned trial judge shall dispose of the notice of motion without being influenced by the observations made in the impugned order and shall decide the matter on its own merits.

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

[R.D. DHANUKA, J.]