

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION

APPEAL FROM ORDER (STAMP) NO.14970 OF 2016
ALONG WITH
CIVIL APPLICATION (STAMP) NO.14971 OF 2016

Mahadev Poonaji Jadhav Appellant/Applicant
Versus
The Municipal Corporation of Greater Mumbai Respondent

Mr. Prasad M. Gaonkar for the Appellant-Applicant.

Mrs. Madhuri More for Respondent-BMC.

CORAM : DR. SHALINI PHANSALKAR-JOSHI, J.

DATE : 24TH AUGUST 2016.

P.C. :

1. Mentioned. Not on Board.
2. This Appeal is preferred against the refusal of the ad-interim relief. The submission of learned counsel for the appellant-applicant is that the appellant-applicant is ready to proceed with the hearing of the Notice of Motion, which is still pending before the Trial Court. However, it is submitted that, the notice is issued by the respondent-Municipal Corporation stating that, the property will be demolished tomorrow i.e. on 25th August 2016.

3. In view thereof, the Appeal is disposed of with a direction to both the parties to appear before the Trial Court on 7th September 2016 and the Trial Court to proceed with the hearing of the Notice of Motion and to decide the same as expeditiously as possible within a period of eight weeks at the latest.
4. The respondent-Municipal Corporation to file reply to the said Notice of Motion within a period of three weeks from today.
5. Till the Notice of Motion is decided by the Trial Court, respondent-Municipal Corporation is restrained from taking any action in pursuance of the impugned notice.
6. Appeal is disposed of accordingly.
7. In view of the above, Civil Application (Stamp) No.14971 of 2016 pending in the Appeal does not survive and the same is disposed of.
8. Parties to act on the authenticated copy of this order.

[DR. SHALINI PHANSALKAR-JOSHI, J.]