

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION**

**CIVIL APPLICATION NO.691 OF 2016
IN
APPEAL FROM ORDER (L) NO.15209 OF 2016
WITH
CIVIL APPLICATION (L) NO.15212 OF 2016
IN
APPEAL FROM ORDER (L) NO.15209 OF 2016**

Mr. Ambalala Maganlal Patel ...Appellant

vs.

Municipal Corporation of
Greater Bombay & Ors.

...Respondents

Ms. N. C. Nichani a/w Mr. P. J. Damania for the Appellant.
Mrs. Madhuri More for the BMC.

**CORAM: G.S.KULKARNI, J.
DATE: 22nd NOVEMBER, 2016.**

P.C.:-

. Not on board. Taken on board.

2. Heard learned counsel for the appellant and learned counsel for the Respondent/Corporation. This Appeal is directed against the ad-interim order dated 28/3/2016 passed by learned Judge, City Civil Court, Dindoshi in Notice of Motion No.116/2016 in L.C. Suit No.3622/2015 filed by the appellant/plaintiff.

3. This appeal is pending for some time. There is no ad-interim protection granted in this Appeal. Admittedly, the Notice of

Motion on which impugned ad-interim order is passed is pending disposal before the learned Trial Judge.

4. Considering the facts of the case, it is appropriate that the Notice of Motion itself be heard and decided. The appellant is therefore directed to approach the Trial Court with a request to take up an early hearing of the Notice of Motion. Considering the facts that L.C. Suit itself is of the year 2015, learned Trial Judge would accord appropriate priority to hearing of the Notice of Motion. Let the pleadings of the parties on the Notice of Motion be completed at the earliest preferably within a period of 6 weeks from today.

5. Appeal is accordingly disposed of subject to the above observations. Civil Application No. 691/2016 and Civil Application (L) No.15212/2016 do not survive and are accordingly disposed of.

6. Parties to act on the authenticated copy of the order.

(G.S.KULKARNI, J.)