

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

APPEAL FROM ORDER NO. 671 OF 2014

WITH

CIVIL APPLICATION NO. 808 OF 2014

IN

APPEAL FROM ORDER NO. 671 OF 2014

M/s. ISA Enterprises

...Appellant

Versus

Municipal Corporation of Greater Mumbai

...Respondent

Mr. R.R. Dube-Patil, i/b M/s. Jay & Co. for the Appellant.

Ms. Madhuri More, for the Respondent.

CORAM : G.S. KULKARNI, J.

DATE : 6th December 2016

ORDER :

1. Heard the learned Counsel for the Appellant and the learned Counsel for the Municipal Corporation.

2. This Appeal is directed against an ad-interim order dated 26th June 2014 passed on a draft Notice of Motion in L.C. Suit No. 1659 of 2014. By the impugned order, the ad-interim relief prayed in the Notice of Motion is refused by the learned Trial Judge. This Court by an order dated 17th July 2014 has granted an ad-interim

protection in the nature of a status quo. Admittedly, the said protection is continued till date which is almost for a period of more than two and half years.

3. The learned Counsel for the parties state that the Respondent-Corporation intends to file a reply in the said pending Notice of Motion.

4. Considering the nature of dispute involved, it would be appropriate for the Appellant to pursue the pending Notice of Motion. The Respondent-Corporation is directed to file a Reply Affidavit within a period of eight weeks from today. After the pleadings are complete the parties are at liberty to approach the Trial Court with a request to take up hearing of the Notice of Motion.

5. In the meantime, till the Notice of Motion is decided by the learned Trial Judge, the status quo, as directed by this Court on 17th July 2014, shall continue to operate.

6. Appeal from Order is disposed of in the above terms.

7. Civil Application would also not survive and is accordingly, disposed of.

[G.S. KULKARNI, J.]