

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

**APPEAL FROM ORDER STAMP NO.17588 OF 2016
ALONGWITH
CIVIL APPLICATION STAMP NO.17590 OF 2016**

**Smt. Manna Selvaraj Gaundar .. Appellant/Applicant
Versus
The Municipal Corporation of Greater Mumbai .. Respondent**

**Mr. B. S. Shukla for the Appellant/Applicant.
Mrs. Madhuri More for the Respondent BMC.**

**CORAM : R.M. SAVANT, J.
DATE : 29th JUNE 2016**

PC.

1. The order dated 24.06.2016 passed by the Learned Judge of the City Civil Court, Greater Mumbai is taken exception to by way of the above Appeal from Order. By the said order, the ad-interim relief has been refused to the Appellant/original Plaintiff. The said order is a cryptic order wherein observation is made to the following effect :-

“Prima facie documents relied upon by Plaintiff have no concern with suit property. Furthermore apparently I do not find any material irregularity in the impugned order dated 21.06.2016.”

2. In my view, it was necessary for the Trial Court to pass a

speaking order by giving reasons as to why it has come to the said conclusion. It is also required to be noted that the MCGM has not filed any affidavit opposing the grant of the said ad-interim relief. The Learned Counsel appearing for the MCGM Mrs. Madhuri More states that an affidavit of opposing the ad-interim relief would be filed within two weeks from date. Since the order is a non-speaking order, the same would have to be set aside and the matter would have to be relegated back to the Trial Court for a de-novo consideration of the application for ad-interim reliefs. The Learned Judge to hear and decide the application for ad-interim reliefs or even the Notice of Motion itself if he so chooses latest by 31.07.2016. Till then the parties are directed to maintain status-quo in respect of the suit property. The Appeal from Order is accordingly disposed of.

3. In view of the disposal of the Appeal from Order, the Civil Application does not survive and to accordingly stand disposed of as such.

[R.M. SAVANT, J]