

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION
CIVIL APPLICATION NO.2915 OF 2013
IN
FIRST APPEAL NO.1264 OF 2013**

The Municipal Corporation of Greater Bombay

..Applicant

Vs.

Vijay Ramji Makwana

..Respondent

**Mr. J. F. Reis Senior Advocate a/w Mrs. M. R. Bhoir for the Applicant
/Appellant (MCGM)**

Mr. O. S. Kutty for the Respondent No.2

CORAM : R. M. SAVANT, J.

DATE : 10th JUNE, 2016

P.C.

1 The above First Appeal has been admitted. In the above Civil Application an order came to be passed on 10-2-2014 directing the parties to maintain status-quo as mentioned in the report which was submitted on the said day. It is further recorded in the order that in terms of the report there is no lock put up on the premises in question which is a public toilet and that the public toilet is run by Akbar Travels Pvt Ltd. The said report has been taken on record and marked as "X" for identification. None appears for the Respondent No.1, who is the main contesting Respondent in the context of the relief sought in the above Civil Application.

2 In so far as the Respondent No.1 is concerned, by order

dated 18-3-2015 a Learned Single Judge of this Court (K.K.Tated J.) has imposed costs of Rs.5000/- on the said Respondent No.1 to be paid over to the Applicant as well as the Respondent No.2. The Learned Senior Counsel appearing for the Applicant as well as the Learned Counsel appearing for the Respondent No.2 states that the said costs have not been paid. As indicated above no appearance has been put up on behalf of the Respondent No.1, the same is therefore for obvious reasons. In my view, it would be just and proper to confirm the ad-interim order dated 10-2-2014. The same would continue to operate pending the hearing and final disposal of the above First Appeal. The Civil Application is accordingly disposed of.

[R.M.SAVANT, J]