

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

***APPEAL FROM ORDER NO. 760 OF 2014
WITH
CIVIL APPLICATION NO. 924 OF 2014
AND
CIVIL APPLICATION NO. 934 OF 2015***

Mr.Javed Akhtar Atiqullah Khan ... Appellant/applicant

v/s

Municipal Corpn. Of Gr. Mumbai. ... Respondent

Mr.Vimlesh Singh for the appellant in AO No.760 of 2014 and applicant in CAA No.934 of 2015.

Mr.Navin Tiwari for the applicant/intervenor in CAA No.334 of 2015.

Mr.A.V. Diwate for the respondent Corporation.

CORAM: N.M. Jamdar, J.

DATED : 12 April 2016

ORAL ORDER:

Admit. Taken for final disposal by consent of both parties.

2 The Appellant challenges the order passed by the City Civil Court, Mumbai, dated 30 July 2014 refusing to grant an ad-interim relief. By an order dated 1 August 2014, this Court has granted protection to the Appellant which is continued till date. The Respondent Corporation has neither filed reply in this appeal nor in the notice of motion, till date. By

the impugned order, the City Civil Court has directed the Respondent Corporation to file reply and has also directed that notice of motion be heard as expeditiously as possible.

3 Learned counsel for the Appellant has drawn my attention to the assessment record which, according to him, shows assessment as on 31 March 1962. He has also relied upon an information received under the Right to Information Act. The original copy has been shown to the Court. It is the contention of the Appellant that the record regarding assessment was not available when the appellant replied to the notice issued by the Corporation.

4 Considering the fact that the ad-interim order is continuing for a period of two years and that it cannot be said that the Appellant has no documents at all in his possession and that the learned City Civil Court has already directed that notice of motion be heard expeditiously, it would be appropriate if the ad-interim order granted by this Court on 1 August 2014 is continued till the disposal of the notice of motion. Order accordingly.

5 The Corporation will file its reply within a period of four weeks from today and thereafter apply to the City Civil Court for expeditious disposal of the notice of motion. The City Civil Court will decide the notice of motion on its own merits and without being influenced by the fact that this Court has continued the ad-interim order granted on 1 August 2014.

6 As far as the Civil Application No.334 of 2015 taken out by the intervenor is concerned, since the appeal is being disposed of, the civil application will not survive.

7 The appeal is accordingly disposed of in above terms.

8 In view of disposal of the appeal, both the civil applications do not survive and are disposed of.

(N. M. JAMDAR, J.)