

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION
APPEAL FROM ORDER NO.1114 OF 2013
WITH
CIVIL APPLICATION NO.1313 OF 2013**

Javed Abdul Hamid Khan

..Appellant

Vs.

The Municipal Corporation of Greater Bombay

..Respondent

Mr. Mohit Jadhav for the Appellant / Applicant

Mr. A. Y. Sakhare Senior Advocate a/w Mrs. M. R. Bhoir for the Respondent

CORAM : R. M. SAVANT, J.

DATE : 15th JUNE, 2016

P.C.

1 The above Appeal From Order takes exception to the order dated 4-9-2013 passed by the Learned Judge of the City Civil Court, Mumbai, by which order the Notice of Motion filed by the Appellant i.e. the original Plaintiff being Notice of Motion No.378 of 2013, came to be dismissed. It seems that during the pendency of the said Notice of Motion filed by the Plaintiff for injunction restraining the MCGM from demolishing the structure there was ad-interim relief operating in favour of the Plaintiff in the above Appeal. In the instant Appeal also the parties were directed to maintain status-quo by a Learned Single Judge of this Court when the Appeal had come up for admission on 7-10-2013. The said relief is continuing till date. The Learned Counsel for the Appellant Mr. Jadhav points out to this Court that the recording of evidence in the Suit is complete and that the Suit is kept for

arguments on 29-6-2016 and therefore the order of status-quo which is in operation be continued till the said date.

2 The Learned Senior Counsel appearing on behalf of the MCGM on instructions does not dispute the position that the Suit is kept for arguments on 29-6-2016. Since the Suit itself is now to be heard on 29-6-2016. In my view it would be just and proper to continue the order of status-quo which is operating in the above Appeal, till the disposal of the Suit. The Trial Court is directed to hear and decide the Suit latest by 31-8-2016. The order of status-quo would operate till the decision in the Suit. It is clarified that continuing of the order of status-quo by this Court should not be construed as any expression of opinion on the merits of the case of the Appellant. The same would also not create any equities in favour of the Appellant. The Trial Court would undoubtedly decide the Suit on its own merits and in accordance with law. With the aforesaid directions, the Appeal From Order is disposed of.

3 In view of the disposal of the above Appeal From Order, the Civil Application No.1313 of 2016 does not survive and to accordingly stand disposed of as such.

[R.M.SAVANT, J]