Atul

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY**

**CIVIL APPELLATE JURISDICTION**

**APPEAL FROM ORDER ST NO. 3023 OF 2017**

**WITH**

**CIVIL APPLICATION NO. 71 OF 2017**

Digambar S/o. Vithoba Likegaonkar …Appellant

*Versus*

Municipal Corporation of Greater Mumbai, through Assistant Municipal Commissioner H/West Ward …Respondent

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**Mr AA Ugale**, *i/b AM Saraogi, for the Appellant.*
**Mrs MM More**, *for the Respondent-MCGM.*

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**CORAM: G.S. PATEL, J**
**DATED: 10th July 2017**

**PC:-**

**1.** The delay of one year and 269 days in filing the Appeal is condoned.

**2.** The Civil Application is made absolute. No costs.

**3.** The Appeal is directed against an ad-interim order dated 24th March 2015. Although ad-interim reliefs were refused, MCGM was directed not to demolish the shop on the pitch allotted to the Plaintiff. That order continued till 7th June 2017 when I extended it.

**4.** The Notice of Motion must obviously be heard. MCGM will file and serve its Affidavit in Reply along with all accompanying documents on or before 16th August 2017. Affidavit in Rejoinder, if any, to be filed and served on or before 7th September 2017.

**5.** The learned Judge of the City Civil Court is requested to take up the Notice of Motion and dispose it of finally, preferably before 10th November 2017.

**6.** The ad-interim order of 7th June 2017 will continue pending the final disposal of the Notice of Motion, and, should the Notice of Motion be decided against the Plaintiff, for a period of three weeks thereafter.

**7.** The Appeal is disposed of in these terms with no order as to costs.

**(G. S. PATEL, J)**