

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

**APPEAL FROM ORDER NO.274 OF 2015
WITH
CIVIL APPLICATION NO.339 OF 2015
IN
APPEAL FROM ORDER NO.274 OF 2015
WITH
CIVIL APPLICATION NO.376 OF 2015
IN
APPEAL FROM ORDER NO.274 OF 2015**

Rajendra Singh S/o. Chandrama Singh ..Appellant/Applicant
V/s.
Municipal Corporation of
Greater Mumbai ..Respondent

**WITH
CIVIL APPLICATION NO.1284 OF 2015
IN
APPEAL FROM ORDER NO.274 OF 2015**

M/s Long Life Spaces LLP (Regd.) ..Appellant/Applicant
V/s.
Rajendra Singh S/o. Chandrama Singh ..Respondent

Mr.Amogh Singh a/w Mr.D.P. Singh & Ms.Geeta Gandhi i/b Mr.Anil
Yadav for the Appellant.

Mrs.Madhuri M. More for Respondent No.1-MCGM.

CORAM : M. S. SONAK, J.

DATE : 05 APRIL 2017

P.C.

1. Mr.Amogh Singh for the appellant and Ms.More for the
respondent-Municipal Corporation of Greater Mumbai.

2. The challenge in this appeal is to the order dated 09-01-2015, by which, ad-interim was refused to the appellant-plaintiff.

3. There is ad-interim relief granted by this Court on 05 March 2015. The same was continued from time to time and is in operation as on today. The appellant's Notice of Motion is not yet disposed of though, by now, it ought to have been disposed of. In any case, the learned Trial Judge, is directed to now dispose of the Notice of Motion as expeditiously and in any case within a period of two months from today. The ad-interim reliefs granted by this Court on 05 March 2015 shall operate until the disposal of the Notice of Motion. Further, as indicated in the earlier order dated 05 August 2016, is once again made clear that the occupation of the building by the appellant and others will be at their own risk and therein any untoward incident took place the MCGM or any other public body will not be responsible for the same. The parties to co-operate with the learned Trial Judge in the matter of expeditious disposal of the Notice of Motion. It is clear that this Court has not examined merits of the matters and therefore, all contentions of all parties are left open.

4. The MCGM at liberty to file reply if not already filed within a period of two weeks from today.

5. The Notice of Motion to be disposed of on its own merits and in accordance with law and not influenced by any observations made in this order or the circumstance that ad-interim relief is operated until the disposal of the Notice of Motion.

6. The Appeal and Civil Applications therein are disposed of with the aforesaid directions.

(M. S. SONAK, J.)