

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION

APPEAL FROM ORDER NO.644 OF 2015
with
CAA/798/2015

Rashida Salim Jamadar

... Appellant

Vs.

Municipal Corporation of Greater Mumbai

... Respondent

Mr.R.R. Mishra i/b Ajay Mishra for the Appellant
Mrs.Madhuri More for Respondent

CORAM: **MRS.MRIDULA BHATKAR, J.**

DATE: **OCTOBER 6, 2017**

P.C.:

1. This Appeal from Order is directed against the order dated 21.2.2015 passed by the learned Judge of the City Civil Court, Greater Mumbai, in Draft Notice of Motion in L.C. Suit No.410 of 2015, thereby refusing ad-interim relief. On a perusal of the record, it is found that this Court by order dated 20.3.2015 passed an order of status quo and it is continued till today. The appellant / plaintiff has filed the suit for declaration and injunction, challenging the notice dated 25.8.2014 as also the order dated 31.1.2015 passed by the Assistant Municipal Commissioner, F-South Ward, in respect of photo-pass of the suit premises admeasuring 212 sq.ft. situate at

Ozha Street, Sewree Cross Lane, Mumbai. I am informed that till today, the Notice of Motion is not heard and it is fixed on 24.11.2017. The order of status quo is in force since last two years and the Notice of Motion is not heard.

2. Under such circumstances, it is appropriate to pass the following order:

- i) The order of status quo granted by this Court to continue till 30.11.2017.
- ii) The Corporation to file its reply in the draft Notice of Motion, if not filed already, on or before 15th November, 2017 and furnish a copy the said reply to the appellant.
- iii) Parties to appear before the trial Court on 24th November, 2017 without fail and cooperate with the trial Court.
- iv) The trial Court to hear and dispose of the Notice of Motion on merits on 24th November, 2017 itself or before 30.11.2017.
- v) The trial Court to take note that this Court has not considered the merits of the matter while passing this order.

3. Appeal from Order and the Civil Application are disposed of in the above terms.

(MRIDULA BHATKAR, J.)