

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

**CIVIL APPLICATION NO.252 OF 2017
IN
APPEAL FROM ORDER NO.75 OF 2017**

Mr.Harchanransingh Ghura	...Applicant/Appellant
<i>Versus</i>	
Mumbai Municipal Corporation for Greater Mumbai, Thru. Assistant Engineer	...Respondent

**WITH
CIVIL APPLICATION NO.253 OF 2017
IN
APPEAL FROM ORDER NO.76 OF 2017**

Mr.Narayan Chandiram Jadhvani	...Applicant/Appellant
<i>Versus</i>	
Mumbai Municipal Corporation for Greater Mumbai, Thru. Assistant Engineer	...Respondent

**WITH
CIVIL APPLICATION NO.254 OF 2017
IN
APPEAL FROM ORDER NO.77 OF 2017**

Shri.Chandrabhan Sobraj Rohra & Anr.	...Applicants/Appellants
<i>Versus</i>	
Mumbai Municipal Corporation for Greater Mumbai, Thru. Assistant Engineer	...Respondent

**WITH
CIVIL APPLICATION NO.255 OF 2017
IN
APPEAL FROM ORDER NO.78 OF 2017**

Mr.Manjit Singh Jodh Singh Abrol	...Applicant/Appellant
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Versus
Mumbai Municipal Corporation
for Greater Mumbai, Thru.
Assistant Engineer ...Respondent

**WITH
CIVIL APPLICATION NO.256 OF 2017
IN
APPEAL FROM ORDER NO.79 OF 2017**

Mr.Harcharansingh Ghura & Anr. ...Applicants/Appellants
Versus
Mumbai Municipal Corporation
for Greater Mumbai, Thru.
Assistant Engineer ...Respondent

**WITH
CIVIL APPLICATION NO.257 OF 2017
IN
APPEAL FROM ORDER NO.81 OF 2017**

Mr.Srichand Naraindas Kalra
Thru. C.A. Mr.Omprakash
Srichand Kalra ...Applicant/Appellant
Versus
Mumbai Municipal Corporation
for Greater Mumbai, Thru.
Assistant Engineer ...Respondent

**WITH
CIVIL APPLICATION NO.258 OF 2017
IN
APPEAL FROM ORDER NO.80 OF 2017**

Mr.Manjit Singh Jodh Singh Abrol ...Applicant/Appellant
Versus
Mumbai Municipal Corporation
for Greater Mumbai, Thru.
Assistant Engineer ...Respondent

Mr.Sharad K. Bhosle for the Applicant/Appellant.

Ms.Aishwarya Joshi a/w Ms.Preeti Thakkar i/b FF & Associates for
Respondent No.2.

Mrs.M.R. Bhoir for Respondent-MCGM.

CORAM : M. S. SONAK, J.

DATE : 27 MARCH 2017

P.C.

1. Heard learned counsel for the parties.

2. This application is completely misconceived and it is required to be dismissed with costs. In the order dated 10 January 2017, it is quite clear that, until the issue of interim relief is decided, the parties to maintain status-quo in respect of the suit structure. There was absolutely no ambiguity and despite that, this matter was mentioned on not less than three occasions, including, the present, where the learned counsel for the appellants seek extension of time and expresses an apprehension that unless the interim order is extended, the respondent will take action against the suit structure.

2. In a matter of this nature, if the learned Trial Judge, is unable to dispose of the issue of interim relief within a period directed by this Court, it is for the learned Trial Judge to apply for extension of time. This position was also made clear when this matter was mentioned on the earlier occasions. However, the insistence was

that the interim relief operated only for the period of eight weeks and unless such extension is granted the suit structure will be vulnerable. Again, such an apprehension was entirely misplaced.

3. Further, it is to be noted that, on 23 January 2017, this court, did grant an extension of time to one of the parties to file their reply. At that stage, also, proportionate extension was granted by the Trial Judge in the disposal of the matter. The learned counsel for the parties state that, the arguments are concluded and the matter is now posted for orders. The Trial Judge is directed to dispose of the application for interim relief, in accordance with law and on its own merits, positively within a period of two weeks from today.

5. Although this is fit case for imposition of cost, on this occasion, no costs are being imposed.

6. The Civil Applications are disposed of.

(M. S. SONAK, J.)