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

WRIT PETITION NO. 5258 OF 2016

Bhiwandi Nizampur City Municipal Corporation .. Petitiones
Vs.
Vidya Mahesh Salunkhe & Ors. .. Respondents

Mr. R. S. Apte, Sr. Advocate i/b N. R. Bubna for the Petitioners.
Mr. Samir Vaidya for Respondent Nos.1 & 4.

CORAM : A. S. GADKARI, J.
DATE : 23rd AUGUST, 2017.

P. C. :

1. The petitioners have challenged order dated 13.04.2016 passed below Exhibits 12 and 15 in R. D. No. 81 of 2015 in Application No. 1526 of 2011.

2. The petitioners are original respondents in Application No. 1526 of 2011 filed by the respondents before M.A.C.T., Mumbai. In the said application Consent Terms were filed and accordingly a Compromise Award dated 20.08.2014 came to be passed by the M.A.C.T., Mumbai. As the respondents did not adhere to Consent Terms, the respondents filed execution proceedings bearing R.D. No. 98 of 2015. That, on 15.02.2015 the M.A.C.T., Mumbai transferred the Decree to M.A.C.T., Thane for execution and it is numbered as R.D. No. 81 of 2015. In the said R.D. No. 81 of 2015 the respondents filed an application dated 19.03.2016 below Exhibit 12, for issuance of warrant of attachment of movable property of petitioners. The petitioners also filed an application dated 13.04.2016

below Exhibit 15 for adjournment/extension of time to take appropriate steps for challenging the Compromise Award or for setting it aside. The record indicates that, the petitioners have filed Special Civil Suit No. 2680 of 2016 for declaration and injunction in April, 2016 (date is not mentioned in the true copy annexed at page Nos.24-32 to the petition). The petitioners have also filed Misc. Application No. 308 of 2016 for recalling and setting aside the Award dated 20.08.2014 in Application No. 1526 of 2011, which is pending for final adjudication. By the impugned order dated 13.04.2016, the application below Exhibit 15 filed by the petitioners came to be rejected and the application below Exhibit 12 filed by the respondents is allowed by the learned Member, M.A.C.T., Thane.

3. This Court by its order dated 21.04.2016 has granted ad-interim relief in terms of prayer clause (b) and the same is continued till today. The record indicates that Misc. Application No. 308 of 2016 preferred by the petitioners is pending for final adjudication before the M.A.C.T., Mumbai.

4. In view of the above, the learned Member, M.A.C.T., Mumbai is hereby directed to expedite the hearing of the Misc. Application No. 308 of 2016 and to make an endeavour to dispose it off within a period of six months from the date of receipt of the present order. For a period of six months from today, ad interim relief granted on 21.04.2016 by this Court shall remain in force.

5. The respondents are at liberty to file appropriate application

before the M.A.C.T., Mumbai under Order 21 Rule 26 of the Civil Procedure Code. Learned Member, M.A.C.T., Mumbai shall consider the said application on its own merits.

6. Petition is allowed in the aforesaid terms.

[A. S. GADKARI, J.]