

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

**APPEAL FROM ORDER NO. 523 OF 2014  
WITH  
CIVIL APPLICATION NO.616 OF 2014  
IN  
APPEAL FROM ORDER NO. 523 OF 2014  
WITH  
CIVIL APPLICATION NO.1079 OF 2014  
IN  
APPEAL FROM ORDER NO. 523 OF 2014**

|                                                   |                       |
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| Sushma W/o Joseph Barla                           | ..Appellant/Applicant |
| V/s.                                              |                       |
| Municipal Corporation of Greater<br>Mumbai & Ors. | ..Respondents         |

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Mr.Omprakash Pandey for the Appellant/Applicant.  
Mrs.M.M. More for Respondent No.1-BMC.  
Mr.Anil R. Mishra for Respondent No.2.

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**CORAM : M. S. SONAK, J.**

**DATE : 11 JANUARY 2017.**

**P.C.**

1. Mr.Pandey learned counsel for the appellant seeks leave to delete respondent Nos.3 to 8 from the array of respondents, since, their presence is not necessary for the purpose of deciding this appeal. Leave to delete is granted. Necessary amendment to be carried out forthwith.

2. Heard the learned counsel for the parties.
3. With the consent of and at the request of the learned counsel for the parties, this appeal is taken up for final disposal at the stage of admission.
4. The challenge in this appeal is to the order dated 11 April 2014 by which the City Civil Court, Dindoshi (Trial Court) has dismissed the appellant Notice of Motion seeking a restraint upon the demolition of the suit structure.
5. The suit was instituted in the year 2011 and there is no dispute that the appellant was protected by an ad-interim order from the year 2011 onwards. In this appeal as well, this Court, had granted ad-interim protection.
6. In the aforesaid circumstances, in the interest of justice will be met if the ad-interim order which has continued since 2011, is continued until the disposal of the suit and the suit itself is ordered to be expeditiously disposed of.

7. Accordingly, this appeal is disposed of with the following order:-

**ORDER**

a) The L.C. suit no.476 of 2011 is directed to be disposed of as expeditiously as possible and in any case within a period of one year from today.

b) All the parties, including in particular the appellant to co-operate in the matter of expeditious disposal of the suit. In case the appellant or any other plaintiff in the suit seek unnecessary adjournment or protract the proceedings, the Trial Court is at liberty to make appropriate orders in the matter.

c) During the pendency of the suit, the respondents are restrained from demolishing the suit structure. The appellant and other plaintiffs in the suit are also to maintain status-quo in respect of the suit structure.

d) It is made clear that the findings in the impugned order or for that matter the continuance of the ad-interim relief by this Court until the pendency of the suit should not influence the Trial Court in disposing of the suit finally and on its own merits. The suit is to be decided on the basis of the

material placed on record by the parties and in accordance with law.

8. All concerned to act on the basis of the authenticated copy of this order.

9. In view of the disposal of this appeal the Civil Applications do not survive and the same are disposed of.

**(M. S. SONAK, J.)**