

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

**APPEAL FROM ORDER NO.802 OF 2014
WITH
CIVIL APPLICATION NO.963 OF 2014
IN
APPEAL FROM ORDER NO.802 OF 2014**

Mrs.Sairunnisha Wd/o Abdul
Lateef Khan

...Appellant/Applicant

Versus

The Municipal Corporation of
Greater Mumbai

...Respondent

None for the Appellant/Applicant.

Ms.Madhuri M. More for the Respondent-MCGM.

CORAM : M. S. SONAK, J.

DATE : 24 MARCH 2017

P.C.

1. None for the appellant. Heard Ms.More, the learned counsel for the respondent-Municipal Corporation of Greater Mumbai (MCGM).

2. The challenge in this appeal is to the order dated 06-06-2014 by which, the learned Trial Judge declined ad-interim relief to restraint the MCGM from enforcing its notice under Section 154 of the Mumbai Municipal Corporation Act. On 16 June 2014, this Court, directed to parties to maintain *status-quo*, as by the said date, the reasoned order was not made available to the appellant. The appellant was directed to place the reasoned order on record

before the next date. Ms. More points out that till date, copy of the reasoned order has not been placed on record. She further points out that from time to time, the interim protection has been extended.

3. It is expected that the learned Trial Judge in the meanwhile, disposes of the Notice of Motion, since, by the impugned order, only ad-interim relief had been declined. However, it appears that the motion is yet to be disposed of. At this stage, rather than, disturb the *status-quo*, it will be appropriate if the learned Trial Judge is directed to dispose of the Notice of Motion itself as expeditiously as possible and in any case, within a period of six weeks from today, on its own merit and in accordance with law. Until the Notice of Motion is disposed of, the parties to maintain status-quo.

4. However, it is clarified that the *status-quo* order is not to be construed as an order made on merits. The *status-quo* is directed mainly because the reasoned order is not available and the same has continued from time to time. Therefore, the learned Trial Judge while disposing of the Notice of Motion, need not be influenced either by the observations made in the impugned order or the circumstance that status-quo has been ordered by this Court.

5. The appeal is accordingly disposed of in the aforesaid terms.

6. In view of the disposal of the appeal, the Civil Application does not survive and the same is also disposed of.

7. Since, neither the appellant nor his advocate are present, the MCGM is permitted to place authenticated copy of this order before the learned Trial Judge, so that, the learned Trial Judge can proceed to dispose of the Notice of Motion as expeditiously as possible. It is made clear that the request for unnecessary adjournment on part of the appellant ought not to be entertained, now that the appellant has been armed with the ad-interim protection.

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

(M. S. SONAK, J.)