

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION
APPEAL FROM ORDER NO. 735 OF 2014
WITH
CIVIL APPLICATION NO. 890 OF 2014

Rahul Swami s/o. Narayan Swami and anr. .. Appellants
vs.
Municipal Corporation for Greater Mumbai .. Respondent

Mr. Omprakash Pandey for the Appellants.
Ms M.M. More for the Respondent-MCGM.

CORAM : M. S. SONAK, J.
DATE : 8 FEBRUARY 2017.

P.C. :-

1] The challenge in this appeal is to the order dated 2 July 2014, by which, only ad-interim relief has been declined to the appellants-plaintiffs.

2] Mr. Omprakash Pandey, learned counsel for the appellants, upon query as to why the notice of motion itself has not been disposed of since last three years, makes a vague statement that there was vacancy in the position of the Presiding Officer and therefore, the motion could not be taken up. From 2014 onwards, there was no ad-interim relief in favour of the appellants. The counsel for the MCGM is also unaware as to whether any action has been taken consequent upon refusal of the ad-interim relief. At this point of time, it will not be appropriate to entertain this appeal.

3] Instead, learned trial Judge is requested to dispose of the notice of motion, if does not already disposed of, in accordance with

law and on its own merits. In disposing of the notice of motion, learned trial Judge need not be influenced by any observations in the impugned order or the circumstances that this court has not entertained the present appeal.

4] The appeal and the civil application are disposed of in the aforesaid terms.

(M. S. SONAK, J.)

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