

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

**APPEAL FROM ORDER (ST.) NO.20624 OF 2016
WITH
CIVIL APPLICATION (ST.) NO.20625 OF 2016**

The West Mumbai Suburban Bharat Scouts
& Guides, Dist. Association ... Appellant
Versus
The Superintendent of Gardens And
Others ... Respondents

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Mr. P.M. Havnur i/b A.A. Siddiquie & Associates for the Appellant.
Ms. Madhuri More for the Respondents/MCGM.

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CORAM : S.C.GUPTE, J.

DATE : 12 APRIL 2017

P.C. :

. After the matter was heard at some length, it has been agreed between learned Counsel for both sides that the impugned order of the City Civil Court at Bombay shall be set aside, subject to the Appellant (original Plaintiff) removing the patra shed erected on the suit plot for residence of the caretaker within a period of one week from today and discontinuing the use of the tennis court through the coach, Mr. Janardhan Sakpal. The Appellant undertakes to comply with these conditions and not to make any commercial user of the ground used by it during the pendency of Notice of Motion No.1615 of 2016. Subject to the Appellant's complying with these statements and undertakings, there will be ad-interim order in terms of prayer clause (a) pending disposal of the Notice of Motion. The City Civil Court at Bombay shall dispose of Notice of Motion No.1615 of 2016 within

a period of 12 weeks from today.

2 Needless to add, during the pendency of the Notice of Motion, the Appellant will be entitled to make use of the ground including the tennis court subject only to the restriction that no commercial activities will be carried out thereat.

3 The Appeal from Order is disposed of accordingly.

4 In view of the disposal of the Appeal from Order, the civil application does not survive and the same is also disposed of.

(S.C. GUPTE, J.)