IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION

APPEAL FROM ORDER NO.274 OF 2017
WITH
CIVIL APPLICATION NO.359 OF 2017

Mr. Ramjiyawan Rambaran Yadav … Applicant/Appellant
Versus
Municipal Corporation of Greater Mumbai … Respondent

…..

Mr. V.R. Tripathi for the Appellant/Applicant.
Ms. Madhuri More for the Respondent/MCGM.

…..

CORAM : S.C.GUPTE, J.

DATE : 3 MAY 2017

P.C. :

. Heard learned Counsel for the parties.

2 Both parties are agreeable to go back to the City Civil Court at Bombay and have the motion heard and decided finally. The impugned order passed by the City Civil Court at Bombay, dated 23 August 2016 is, accordingly, set aside and the matter is remanded back to the City Civil Court at Bombay for hearing of the Notice of Motion. The Defendant/MCGM to file its reply to the Notice of Motion within a period of five weeks from today. Rejoinder, if any, within two weeks thereafter. The Notice of Motion to be heard and decided finally by the City Civil Court at Bombay before 31 August 2017.

3 In the meantime, pending the hearing and final disposal of the Notice of Motion, there will be an injunction in terms of prayer clause-(a) of the draft Notice of Motion. Appeal from Order is, accordingly, disposed of.

4 In view of the disposal of the Appeal from Order, Civil Application No.359 of 2017 does not survive and the same is also disposed of.

(S.C. GUPTE, J.)