

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

**APPEAL FROM ORDER NO. 1324 OF 2010
WITH
CIVIL APPLICATION NO. 1627 OF 2010
WITH
CIVIL APPLICATION NO. 704 OF 2012
IN
APPEAL FROM ORDER NO. 1324 OF 2010**

Vadilal Kunverji Gada ... Appellant
V/s.
The Bombay Municipal Corporation
of Gr. Bombay & Ors. ... Respondents

**WITH
CIVIL APPLICATION NO. 1461 OF 2011
WITH
CIVIL APPLICATION NO. 1462 OF 2011
IN
WRIT PETITION NO. 9105 OF 2010**

**WITH
CIVIL APPLICATION NO. 1463 OF 2011
IN
WRIT PETITION NO. 8974 OF 2010**

The Bombay Municipal Corporation
of Gr. Bombay & Ors. ... Applicants
V/s.
Vadilal Kunverji Gada ... Respondent

Mr. Ditendra Mishra for the Appellant in A.O.
Mrs. Bhoir for the M.C.G.M.

**CORAM : M.S. SONAK, J.
DATE : 29th MARCH, 2017.**

P.C. :

1 Mrs. Bhoir is appearing for the M.C.G.M.

2 This Court, in its order dated 21.02.2011 in Civil
Application No.1627 of 2010 in Appeal from Order No.1324 of 2010
had issued 'Rule' and directed the parties to maintain status-quo.
However, by the same order it was made clear that the pendency of
the present matter, shall not come in the way in proceeding of the
suit. In fact, the learned Trial Judge was directed to proceed and
decide the suit in accordance with law.

3 By now, the suit ought to have been disposed of.
However, Mrs. Bhoir, learned counsel for M.C.G.M. points out that
the suit is still pending. She points out that the M.C.G.M. has taken
out Civil Application seeking vacation of the *status-quo* order.

4 At this stage, rather than deciding the Civil
Applications, Appeal from Order and Writ Petitions, it will be
appropriate if the learned Trial Judge is directed to dispose of the
suit as expeditiously as possible and in any case within a period of

six months from today. The status-quo directed by this Court in its order dated 21.02.2011 shall operate in the meanwhile.

5 The Civil Applications, Appeal from Order and Writ Petitions are disposed of accordingly. It is made clear that this Court has not examined minutes of the matter and, therefore, the learned Trial Judge, disposed of the suit on its own merits and in accordance with law not influenced by any observations in the impugned order or the circumstance in which these matters are being disposed of. These are expressly made for consideration of the learned Trial Judge.

(M.S. SONAK, J.)