

Atul

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION
APPEAL FROM ORDER NO. 1129 OF 2014
WITH
CIVIL APPLICATION NO. 1360 OF 2014

Mahadev Gajanan Desai & Anr ...Appellants
Versus
Municipal Corporation of Greater Mumbai & Anr ...Respondents

Mr PJ Thorat, *for the Appellants.*
Mrs MM More, *for Respondent No. 1-MCGM.*
Mr Homid Ahmad, *for Respondent No. 2.*

CORAM: G.S. PATEL, J
DATED: 10th July 2017

PC:-

1. The Appeal is directed against an order dated 19th November 2014 dismissing the Plaintiffs' Notice of Motion. The trial in the Suit has already commenced. The Appeal is infructuous. The Suit will be decided on its own merits uninfluenced by the observations in the impugned order.
2. The Appeal from Order is dismissed as withdrawn. No costs.

3. The order of *status quo* will continue until the final disposal of the Suit and, should the Suit be decided against the Plaintiffs, for a period of three weeks thereafter.
4. The Appeal is disposed of in these terms with no order as to costs.
5. The Civil Application does not survive and is disposed of infructuous.

(G. S. PATEL, J)