

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION

APPEAL FROM ORDER NO. 180 OF 2016
WITH
CIVIL APPLICATION NO. 245 OF 2016

Premdas Mansaram Vaishnav	..	Appellant
VS.		
The Slum Rehabilitation Authority & Ors.	..	Respondents

Mr. Suresh Dubey for Appellant.
Mr. A. A. Desai for Respondent No. 1.

CORAM : M. S. SONAK, J.
DATE : 16 MARCH 2017

P.C :

- 1] Heard learned counsel for the parties.
- 2] The challenge in this appeal is to the order dated 26 November 2015, by which, ad interim relief has been declined to the appellant.
- 3] By now, the notice of motion ought to have been disposed of by the learned trial Judge. However, learned counsel for the parties state that the notice of motion is pending. It is possible that the parties have applied for adjournment on the ground of pendency of this appeal. This is not at all proper.

4] Accordingly, there is no case made out to interfere with the impugned order. Instead, it will be appropriate to direct the learned trial Judge to dispose of the notice of motion itself expeditiously and in accordance with law.

5] In disposing of the notice of motion, the learned trial Judge need not be influenced by any observations in the impugned order dated 26 November 2015 or the circumstance that the appeal against the same is not being entertained at this stage. All contentions of all parties are specifically left open.

6] This appeal is accordingly dismissed. There shall be no order as to costs.

7] In view of dismissal of the appeal, civil application does not survive and is disposed of accordingly.

(M. S. SONAK, J.)