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**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
ORDINARY ORIGINAL CIVIL JURISDICTION**

WRIT PETITION NO.2811 OF 2014

Best Value Hyper Market	... Petitioner
Vs.	
Municipal Corporation of Greater Mumbai and Ors.	... Respondents

Mr. Kalpesh Joshi for the Petitioner.

Ms. Vandana Mahadik for the Respondent No.1.

Mr. Dharmesh S. Jain for the Respondent Nos.5, 6, 11 and 18.

Mr. J.J. Carlos for the Respondent No.16.

Ms. VN. Bhende for the Respondent Nos.27, 30 and 31.

Ms. Jyoti H. Shahani Respondent No.28 in person.

Mr. Sandeep Chaurasia a/w Mr. Raj Talekar i/by Prime Legem for Respondent No.29.

Mr. S.R. Singh for the Respondent No.37.

**CORAM : A.S. OKA &
SMT. VIBHA KANKANWADI, JJ.**

DATE : 20th JUNE, 2017

PC.

1 Heard the learned counsel appearing for the petitioner. The learned counsel appearing for the Respondent Nos.5, 6, 11 and 18 tenders compilation of documents. He states that the order dated 9th June, 2016 passed by the learned Single Judge in Appeal from Order

No.413 of 2016 continues to operate even as of today as civil suit filed by one Shantilal Mehta is still pending. He states that Notice of Motion for interim relief in L.C. Suit No.3608 of 2015 being Notice of Motion No.266 of 2016 is still pending. We have perused the order dated 30th December, 2015 passed by the City Civil Court which is in the nature of an ad-interim order. The order dated 9th June, 2016 in Appeal from Order No.413 of 2016 disposes of Appeal from Order wherein challenge was to the said order dated 30th December, 2015. We find that the said Appeal from order has been disposed of without disturbing the order dated 30th December, 2015. However, the learned Single Judge directed that 48 hours notice shall be given by the Municipal Corporation to the appellants so that they have sufficient time to take appropriate steps.

2 So long as the statement of Junior Engineer of the Mumbai Municipal Corporation recorded by the learned Judge of the City Civil Court in order dated 30th December, 2015 continues to be in force, the only substantive relief prayed for in this Petition directing the Municipal Corporation to evict all the occupants in the building for facilitating demolition cannot be granted. The present petitioner is party to the pending civil suit.

3 Accordingly, at this stage, we decline to entertain this Petition and the same is disposed of by keeping all the contentions of the parties expressly open. It will be open for the parties to the pending suit to request the learned Judge of the City Civil Court to give necessary priority to the disposal of the pending Notice of Motion.

(SMT. VIBHA KANKANWADI, J)

(A.S. OKA, J)