

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

**APPEAL FROM ORDER NO.76 OF 2015
WITH
CIVIL APPLICATION NO.90 OF 2015
WITH
CIVIL APPLICATION NO.192 OF 2018
IN
APPEAL FROM ORDER NO.76 OF 2015**

Vimal Shyamsunder Vyas and Ors. ...Appellants
Versus
The Municipal Corporation of
Greater Mumbai and Ors. ...Respondents

.....

Ms Priyanka Upadhyay i/b. M/s. Solicis Lex for the Appellant Nos.1, 2 and 3.
Mrs. Madhuri More for the Respondent BMC.
Mr. Ashok Pandey for the Applicant in CAA/192/2018.

CORAM : SMT. ANUJA PRABHUDESSAI, J.

DATED: 3rd APRIL, 2018.

P.C.:-

The Appellants herein have challenged the impugned order dated 24th December, 2014 whereby the learned Judge, City Civil and Sessions Court at Dindoshi, Borivali Division, Mumbai refused to grant ad-interim relief in L.C. Suit No.3070 of 2014.

2. It may be mentioned here that by order dated 30th December, 2014 this Court had granted ad-interim relief in terms of prayer clause (a) and had thereby restrained the Respondent from

demolishing the alleged unauthorised work in Flat No.11, second floor of the building known as Bharat Bhuwan, K.D. Road, Vile Parle (West), Mumbai 400 056, till the disposal of notice of motion.

3. It is submitted that the notice of motion is pending before the Trial Court since last over a period of three years. It has also been brought to my notice that one of the Defendants M/s.Rasraj Restaurant has filed an application/chamber summons for joining him a party to the suit. Said chamber summons is also pending before the Trial Court. Both the parties consent for continuing the interim relief granted by this Court till the disposal of the notice of motion. They have stated that the pleadings would be completed within a period of three weeks. In the light of the statement made, the learned Judge is directed to dispose of the notice of motion as well as chamber summons on their own merit and in accordance with law within a period of four weeks thereafter. Interim relief granted by order dated 30th December, 2014 to continue till the disposal of the notice of motion.

4. In view of above, the Appeal from order stands disposed of accordingly

5. It is made clear that this Court has not gone into the merits of the matter and all points and contentions of the respective parties are kept expressly open.

6. In view of disposal of the Appeal from order, the Civil Applications do not survive and hence stand disposed of.

(SMT. ANUJA PRABHUDESSAI, J.)