

Sarnobat

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

**APPEAL FROM ORDER NO.698 OF 2016
ALONGWITH
CIVIL APPLICATION NO. 880 OF 2016**

Mr. Basheer Kunjamu. ... Appellant.
Vs.
Municipal Corporation of Greater Bombay. ... Respondent.

Mr. H. S. Anand, for the Appellant.
Mr. Narendra V. Walawalkar, Sr. Advocate a/w. Mrs. Madhuri More, for
the Respondent.

CORAM : V. M. DESHPANDE, J.

DATE : 12th JULY, 2018.

P. C. :

1. By the present appeal the appellant is challenging the order dated 28th January, 2016 in L. C. Suit No. 207 of 2016 by which the Court below has refused ad-interim relief.

2. After the ad-interim relief was refused, the appellant approached to this Court. Initially there was ad-interim order in favour of the appellant which was continued from time to time and lastly it was till 19th August, 2016. However, on 19th August, 2016 there was no continuation of the ad-interim order. With the result, the ad-interim order expires on 19th August, 2016.

3. The Notice of Motion for temporary injunction is still

pending before the Court below. Statement is made by the counsel for appellant Shri. H. S. Anand. He also submits that in the said Notice of Motion as on today the Corporation has not filed any reply. He submits that the direction may be given to the Court below to decide this Notice of Motion as expeditiously as possible. This prayer made by the learned counsel for the appellant, in my view is just and proper. In that view of the matter following order is passed;

ORDER

- I) The appeal is disposed of by maintaining the order dated 28th January, 2016.
- II) The Court below on whose file the S.C. Suit No. 207 of 2016 along with Notice of Motion is pending shall decide the said Notice of Motion within a period of two months from today peremptorily by giving precedence to the same.
- III) If during this period, Corporation wants to file reply can file the same. However, the time should not be extended beyond one month for filing the reply on behalf of the respondent.
- IV) Parties are directed to appear before the Court below on 19th July, 2018 and the two

months shall commence from 19th July, 2018.

V) The learned Judge of the Court below while deciding the Notice of Motion shall not get influenced by his own observations made in the order refusing ad-interim relief.

VI) With this appeal is disposed of. All Civil Applications are also disposed of.

[V. M. DESHPANDE,J.]