

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION

APPEAL FROM ORDER NO.800 OF 2016
ALONG WITH
CIVIL APPLICATION NO.1000 OF 2016

Indus Towers Ltd., Andheri, Mumbai	 Appellant-Applicant
V/s.	
Municipal Corporation of Greater Mumbai	 Respondent

Mr. Surel S. Shah, a/w. Mr. P. Dhande and Mr. Kapadia, I/by M/s. D.H. Law Associates, for the Appellant-Applicant.

Mrs. Madhuri More for the Respondent-MCGM.

CORAM : DR. SHALINI PHANSALKAR-JOSHI, J.

DATE : 10TH SEPTEMBER, 2018.

P.C. :

1. Heard Mr. Shah, learned counsel for the Appellant-Applicant, and Mrs. More, learned counsel for the Respondent-MCGM.

2. It is submitted that, the Trial Court has refused the order of ad-interim relief and, therefore, this Appeal was preferred. This Court has, at the time of admission of the Appeal, granted the ad-interim relief in the year 2016 itself and during some period, it remained to be extended.

3. Today, learned counsel for the Appellant is ready to proceed with the hearing of the matter and he points out to the letter dated 11th

January 2016, by which the Assistant Engineer (B.P.), Special Cell of the Respondent-Municipal Corporation has called upon the Appellant to produce certain documents. He also points out to the letter dated 18th January 2016 sent by the Appellant to the Respondent-Municipal Corporation, sending therewith the requisite documents in compliance of the notice dated 11th January 2016. According to him, when the application made by the Appellant was pending and he has complied with the documents, the Trial Court should have granted the relief of ad-interim injunction.

4. Learned counsel for the Respondent-Municipal Corporation seeks time to take necessary instructions as regards the compliance of the documents, in view of the letter of the Appellant dated 18th January 2016, which bears the acknowledgment of the Municipal Corporation about the receipt of the said letter and its documents.

5. In view thereof, in my considered opinion, instead of adjourning this Appeal for hearing, it would be proper to direct the Trial Court to decide the Notice of Motion itself, which is pending before it and till then, to extend the order of ad-interim relief, which was granted in the year 2016 itself by this Court.

6. Hence, the Appeal is disposed off, with a direction to the Trial

Court to decide the Notice of Motion as expeditiously as possible and till then, the order of ad-interim relief granted by this Court in the year 2016 is extended.

7. In view of the above, Civil Application No.1000 of 2016 pending in the Appeal does not survive and the same stands disposed off as infructuous.

[DR. SHALINI PHANSALKAR-JOSHI, J.]