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IN THE HIGH COURT OF JUDICATURE AT BOMBAY  
CIVIL APPELLATE JURISDICTION

APPEAL FROM ORDER No. 373 OF 2015  
WITH  
CIVIL APPLICATION No. 484 OF 2015

|                                            |     |            |
|--------------------------------------------|-----|------------|
| Nagsh Siddhappa Navalgund                  | ... | Appellant  |
| Vs.                                        |     |            |
| Municipal Corporation of<br>Greater Mumbai | ... | Respondent |

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Mr. Ajay Samant a/w Siddharth Shenoy, for the Appellant.

Ms. Madhuri More, for the Respondent No. 1 - MCGM.

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CORAM : V. M. DESHPANDE, J.

DATE : JUNE 25, 2018

PC :-

1. Learned counsel for the Appellant submits that Appellant will be satisfied if the order dated 10<sup>th</sup> March, 2015 passed by this Court (Coram : K. K. Tated, J.) in this appeal remains in operation for the next 10 weeks, and during that period if the the trial court decides the notice of motion before it, then in that event, he will withdraw the present appeal. Learned counsel for the Respondent has no objection for the

same, especially when the order of status-quo is in operation from 10<sup>th</sup> March, 2015. Hence, the following order:

- (i) Appeal from order is disposed of as withdrawn with no order as to costs;
- (ii) The impugned order needs no interference;
- (iii) The learned Judge, City Civil Court Dindoshi, Goregaon is directed to hear and dispose of the notice of motion filed by the plaintiff for injunction in L.C. Suit No. 375 of 2015 on merits and in accordance with law within a period of 10 weeks from the date of receipt of this order.
- (iii) Till notice of motion filed in L.C. Suit No. 375 of 2015 is decided finally, the interim order dated 10<sup>th</sup> March, 2015 passed by this Court in this appeal shall remain in operation.
- (iv) It is made clear that the learned Judge of the trial court while deciding the notice of motion shall not get influenced by the observations made in the

impugned order.

- (v) Needless to state that pending civil applications do not survive and are accordingly disposed of.

Sd/-  
[V. M. DESHPANDE, J.]

Vinayak Halemath