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IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION

APPEAL FROM ORDER No. 477 OF 2015
WITH
CIVIL APPLICATION No. 616 OF 2015

Hastimal Pannalal Kataria & Ors. ... Appellants
Vs.
The Municipal Corporation of
Greater Mumbai & Ors. ... Respondents

Mr. Anand Pande, for the Appellants.

Mrs. Madhuri More, for the Respondent - MCGM.

CORAM : V. M. DESHPANDE, J.

DATE : JUNE 25, 2018

PC :-

1. Learned counsel for the Appellants submits that notice of motion is still pending before the learned trial court. He submits that present appeal is against the refusal of ad-interim relief, and on 12th March, 2015 this Court has granted order of status-quo. Till today the Respondent has not filed application for vacation of the said order. In my view, since main application for injunction is still pending before the trial

court, and there is interim order operating in favour of the appellants since 2015, appeal can be disposed of by passing following order:

- (i) Appeal is disposed of as withdrawn with no order as to costs, as prayed by the appellants;
- (ii) The impugned order passed by the trial court is hereby confirmed;
- (iii) Notice of Motion No. 950 of 2015 filed in L.C. Suit No. 612 of 2015, which is pending on the file of learned Judge, City Civil Court, Bombay to be disposed by the said Court by giving opportunity to both the parties to the said application / motion, on merits and in accordance with law, within a period of 12 weeks from today;
- (iv) Till the said notice of motion is decided by the learned trial court, interim order passed by this Court (Coram : K. K. Tated, J.) on 12th March, 2015 shall remain in operation;

- (v) Appellants are specifically directed not to make any sort of construction, alteration, repairs, modification of whatsoever nature till decision of their application for injunction;
- (vi) Needless to state that all pending applications filed in this appeal shall stand disposed of.

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

Vinayak Halemath