

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION

APPEAL FROM ORDER NO.530 OF 2015
IN
NOTICE OF MOTION NO.844 OF 2015
IN
L.C.SUIT NO.725 OF 2015

Jamila Taufiq Shaikh

-vs-

Municipal Corporation of Greater Mumbai

Office notes, Office Memoranda of
Coram, appearances, Court's orders
or directions and Registrar's orders.

Court's or Judge's Orders.

None for appellant.

Ms Orja Dhond, Advocate for respondent/MMC.

CORAM : A. S CHANDURKAR, J.

DATE : NOVEMBER 19, 2018

None for the appellant when called.

The appellant is the original plaintiff who has filed the suit challenging the notice dated 03/07/2014 issued under Section 351 of the Mumbai Municipal Corporation Act, 1888. In that suit the plaintiff moved an application for grant of temporary injunction vide Notice of Motion No.864/2015. The trial Court by its order dated 20/03/2015 refused to grant any ad-interim relief. Being aggrieved the plaintiff has filed the present appeal.

This Court while admitting the present appeal on 27/03/2015 has passed an interim order after hearing both the sides. By that order the Municipal Corporation has been restrained during pendency of the said Notice of Motion from taking any coercive action against the appellant.

Considering the fact that this interim order is operating from 27/03/2015 and Notice of motion No.864/2015 is now ready for

hearing before the trial Court, the following order would serve the ends of justice :

- (i) The trial Court shall decide the Notice of Motion No.864/2015 in L.C.Suit No.728/2015 expeditiously.
- (ii) The ad-interim order granted on 27/03/2015 shall continue to operate till the said Notice of Motion is decided.
- (iii) The trial Court shall decide that Notice of motion on its own merits without being influenced by the fact that this Court has granted the aforesaid interim relief.
- (iv) The rights and contentions of the parties are kept open.
- (v) The Appeal from Order is allowed in aforesaid terms and disposed of.

(A.S.CHANDURKAR, J.)