

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

APPEAL FROM ORDER (ST) NO. 8941 OF 2018
with
CAA (ST) NO. 8942 OF 2018 **in** AO (ST) 8941 OF 2018

Sanjay Tukaram Sarmalkar ..Appellant

v/s.

The Municipal Corporation of Gr.Mumbai ..Respondents

Mr. B.PShukla for the Appellant
Mrs. Madhuri More for the Respondent-BMC.

**CORAM : SMT. ANUJA PRABHUDESSAI, J.
DATED : 23rd MARCH, 2018.**

P.C.

1. Heard. With consent of the parties, matter is taken up for final hearing at the stage of admission.
2. The appellant herein has challenged the order dated 19th March, 2018 whereby the learned Judge of City Civil Court, Gr. Bombay has rejected the prayer to grant ad-interim relief in Notice of Motion No. 1183 of 2018 in L.C.Suit No. 768 of 2018.
3. The appellant claims that the subject premises were purchased

by him from one Priya Ashok Pandit by agreement dated 8.9.1994. The learned Counsel for the appellant submits that in the year 1994 the respondent had issued a similar notice to his predecessor. Copy of the said notice is produced at page 32 -Exhibit A. The appellant has also placed on record the Agreement of Sale between the appellant and said Priya Ashok Pandit at page 33-Exhibit B. The appellant has also placed on record copy of the ration card, election card, census receipt, electricity bill, adhar card etc.

4. In the light of the above documents produced by the appellant, in my considered view, the motion needs to be adjudicated on merits, and until such time status quo needs to be maintained. Hence the appeal is allowed.

5. Both the parties are directed to maintain status quo till the Notice of Motion No.1183 of 2018 in L.C.Suit No.768 of 2018 is decided on merits.

6. The parties are directed to complete their pleadings within four weeks. The learned Judge City Civil Court, Gr. Bombay is directed to dispose of the Notice of Motion No.1183 of 2018 within eight weeks from the date of this order.

7. Appeal from order is disposed of.
8. Civil Application stands disposed of in view of disposal of the appeal from order.

(ANUJA PRABHUDESSAI, J.)