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IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION

APPEAL FROM ORDER No. 619 OF 2015
WITH
CIVIL APPLICATION No. 765 OF 2015

Prabhakar s/o. Bhau Ghagare ... Appellant
Vs.
Municipal Corporation of
Greater Mumbai ... Respondent

Mr. Ashok M. Saraogi, for the Appellant.

Ms. Madhuri More, for the Respondent.

CORAM : V. M. DESHPANDE, J.

DATE : JUNE 25, 2018

PC :-

1. Heard the learned counsel for the Appellant and the learned counsel for the Respondent. This appeal is directed against the order dated 8th April, 2015 passed in the notice of motion filed in L.C. Suit No. 932 of 2015 by which the learned Judge of the court below in pending notice of motion, filed for injunction, has rejected an ad-interim relief.
2. Learned counsel for the Appellant submitted that this

Court on 9.4.2015 directed the parties to maintain status-quo.

3. There is a serious dispute of the standing structure on the site. According to the learned counsel for the Appellant, disputed structure still stands whereas the learned counsel for the submits that it has been demolished on multiple times.

4. Learned counsel for the Appellant states that he wish to withdraw the present appeal and the suit itself can be directed to be disposed of by the trial court by observing that in the meanwhile order dated 9th April, 2015 passed by this Court (Coram: K. K. Tated, J.) to remain in operation.

5. Though interim relief was rejected on 8.4.2015, as of today the application for injunction is still not decided. It is also noted that this Court on 9th April, 2015 directed the parties to maintain status-quo. In that view of the matter, following order is passed:

- (i) Appeal is disposed of as withdrawn with no order as to costs;
- (ii) Impugned order dated 8.4.2015 is hereby

maintained;

- (iii) L. C. Suit No. 931 of 2015 pending on the file of the City Civil Court, Bombay shall be decided on merits and in accordance with law within a span of six months from today;
- (iv) It is made clear that plaintiff shall not move any application for injunction therein;
- (v) Till decision of the suit, interim order passed by this Court on 9.4.2015 shall remain in operation;
- (vi) Till suit is decided in the trial court, the appellant shall not carry out construction, alterations, modification at the disputed site regarding disputed structure;
- (vii) Needless to state that pending civil application filed in this appeal are also disposed of.

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

Vinayak Halemath