

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

**APPEAL FROM ORDER NO. 211 OF 2018
WITH
CIVIL APPLICATION NO. 276 OF 2018
IN
APPEAL FROM ORDER NO. 211 OF 2018**

Jude Sebastian Jacinto & Anr.Appellants/Applicants
V/s.
Municipal Corp. of Greater MumbaiRespondent

Mr. Pradeep J. Thorat for the appellants.
Mrs. M.R. Bhoir for the respondent/MCGM.

**CORAM : V.M. DESHPANDE, J.
DATED : 26th JUNE, 2018.**

P.C.:

. Heard Mr. P.J. Thorat, learned counsel for the appellants and
Mrs. M.R. Bhoir, learned counsel for the respondent.

2. This appeal is carried out against the order dated 16th March, 2018 in Long Cause Suit No.1948 of 2011 in which the Notice of Motion No.2395 of 2011 was taken out and which was rejected by the order dated 16th March, 2018.

3. Mr. P.J. Thorat, learned counsel for the appellants submits that there is an order of status quo operating in favour of the appellants

since 2011. His statement is accepted. The record shows that on 12th April, 2018, this Court (Coram : Smt. Anuja Prabhudessai, J.) has passed order directing the parties to maintain status quo. The said status quo is still in operation. Mr. P.J. Thorat, learned counsel further submits that the pleadings are already complete. The matter is fixed for filing the draft issues on 07th July, 2018. He submits that as soon as the issues are framed, the appellants will file their affidavit-in-lieu of evidence within a period of three weeks from the date of framing of the issues and he will be available for cross examination. He, therefore, submits that the purpose of the appellant would be served if the directions are given to the Trial Court to dispose of the suit as expeditiously as possible.

4. Mrs. M.R. Bhoir, learned counsel for the respondent submits that looking to the prayer made by Mr. P.J. Thorat, learned counsel for the appellants has no objection. Hence, the following order :-

(i) The Appeal from Order is disposed of by maintaining the order dated 16th March, 2018 passed by the learned Civil Judge, City Civil Court, Borivali Division, Dindoshi, Mumbai.

(ii) The Trial Court is directed to decide the Long Cause Suit No.

1948 of 2011 as expeditiously as possible within a period of one and half year from today by giving opportunity of hearing to both the parties.

(iii) The parties to the suit shall not try to drag the litigation unnecessarily.

(iv) During the pendency of the suit, the ad-interim order granted by this Court on 12th April, 2018 directing the parties to maintain status quo to remain in operation.

(v) During the pendency of the suit, the appellants shall not carry out any construction, modification, repairs or alteration in respect of the suit structure.

(vi) With this, Appeal from Order is disposed with no order as to costs. All pending Civil Applications are also disposed of.

(V.M. DESHPANDE, J.)