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IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION

APPEAL FROM ORDER (St.) No. 13037 OF 2018
WITH
CIVIL APPLICATION (St.) No. 13039 OF 2018

Vijay Devji Page ... Appellant
Vs.
Municipal Corporation of Gr. Mumbai ... Respondent

Mr. B. S. Shukla, for the Appellant.

Ms. M. R. Bhoir, for the Respondent - MCGM.

CORAM : V. M. DESHPANDE, J.

DATE : JUNE 28, 2018

PC :-

1. Heard learned counsel for the appellant and for the respondent corporation. This appeal is directed against the judgment and order passed by the learned Judge City Civil Court Borivali Division Dindoshi, Mumbai dated 11.4.2018 in Notice of Motion No. 178 of 2018 filed for injunction in L.C. Suit No. 2018 of 2017. By this order, the learned Judge of the Court below has refused ad-interim order in favour of the plaintiff. The

learned counsel for the appellant submits that the disputed structure is protected till today. He submits that if the said structure is protected and the Court is directed to decide the Notice of Motion within the stipulated period, he will withdraw the present appeal. For this learned counsel for the respondent has shown inclination. That leads me to pass the following order:

- (i) Appeal is disposed of as withdrawn with no order as to costs as prayed by the learned counsel for the appellant.
- (ii) The impugned order is not interfered with by this Court.
- (iii) The Trial Court is directed to decide Notice of Motion No. 178 of 2018 filed in L.C. Suit No. 2018 of 2017, on merits and in accordance with law, within a period of 10 weeks from today, after giving opportunity of hearing to both, the appellant as well as the Corporation, and till the notice of motion is

decided by the trial court, the order of status quo granted by this Court on 27.4.2018 shall be continued.

4. Needless to state that all pending Civil application in the appeal stands disposed of.

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

Vinayak Halemath