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

**APPEAL FROM ORDER (ST) NO.13047 OF 2018
WITH
CIVIL APPLICATION (ST) NO.13050 OF 2018
IN
APPEAL FROM ORDER (ST) NO.13047 OF 2018**

Kasam Mehboob Patel ... Appellant.
V/s.
Municipal Corporation for
Greater Mumbai ... Respondent

Mr. Devdatta A. Sakhalkar, for the appellant.
Mrs. Madhuri More, for respondent corporation.

CORAM : DR.SHALINI PHANSALKAR-JOSHI, J.

DATE : 20th AUGUST, 2018.

P.C. :

- 1] Heard learned counsel for the appellant and respondent.
- 2] This Appeal from Order is preferred against the order of City Civil Court, Dindoshi, Mumbai, dated 12.04.2018 whereby ad-interim relief is refused.
- 3] It is submitted by learned counsel for the appellant that the Notice of Motion is yet pending. Say to the said Notice of Motion is also filed by respondent. The Notice of Motion is ready for hearing.
- 4] In view thereof, it would be appropriate to direct the trial Court to decide the said Notice of Motion itself instead of this Court

entering into the merits of the impugned order passed by the trial Court.

5] Considering that this Court vide order dated 2nd May, 2018, directed both the parties to maintain status quo in respect of the suit structure, the same order is extended till the Notice of Motion is decided.

6] The trial Court is directed to decide the said Notice of Motion, as expeditiously as possible and preferably within a period of 8 weeks from today.

7] In view thereof, Appeal from Order and the Civil Application therein stand disposed off in above terms.

[DR.SHALINI PHANSALKAR-JOSHI, J.]