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IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION

APPEAL FROM ORDER (St.) No. 14196 OF 2018
WITH
CIVIL APPLICATION (St.) No. 14197 OF 2018

Farooque Ilyas Shaikh	...	Appellant
Vs.		
The Municipal Corporation of Greater Mumbai	...	Respondent

Mr. R. V. Yadav, for the Appellant.

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

CORAM : V. M. DESHPANDE, J.

DATE : JUNE 28, 2018

PC :-

1. Learned counsel for the appellant undertakes to file his vakalatnama within three days from today. However he submits that he has instructions to appear on behalf of the appellant. Statement is accepted.

2. Present appeal is directed against the order passed by the learned City Civil Court and Additional Sessions Judge, Dindoshi, Mumbai dated 2.5.2018 whereby the learned Judge of

the Court below has refused ad-interim relief in pending notice of motion filed in L.C. Suit No.1274 of 2016.

3. The learned counsel for the appellant submits that he has instructions to withdraw the present appeal if order of status quo granted by this court on 4.5.2018 is continued till the decision of the notice of motion in the trial Court. For this, learned counsel for the Respondent has shown inclination. That leads me to pass following order:

- (i) Appeal is allowed to be withdrawn and disposed of with no order as to costs as prayed by the learned counsel for the appellant.
- (ii) The impugned order dated 2.5.2018 filed in the notice of motion filed in L.C. Suit No.1274 of 2016 is not interfered with by this Court.
- (iii) The Trial Court is directed to decide the notice of motion filed in L.C. Suit 1274 of 2016 filed for temporary injunction, 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 finally, the order of status quo granted by this Court on 4.5.2018 to continue.

- (iv) Appellant is directed not to make construction / alteration /repairs and modification in respect of the disputed structure till the notice of motion is decided by the Trial Court.
- (v) Appellant is directed not to take unnecessary adjournments before the Trial Court.
- (vi) Needless to state that all pending Civil application in the appeal stands disposed of.

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

Vinayak Halemath