Sarnobat

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION

APPEAL FROM ORDER (STAMP) NO. 14435 OF 2018
ALONGWITH
CIVIL APPLICATION (STAMP) NO. 14437 OF 2018

Mr. Sayyed Mohiddin Ahmed. ... Appellant.
Vs.
Municipal Corporation of Greater Mumbai. ... Respondent.

Mr. Ashok M. Saraogi, for the Appellant.
Ms. Madhuri More, for the Respondent/MCGM.

CORAM : V. M. DESHPANDE, J.

DATE : 27th JUNE, 2018.

P. C. :

1. At the outset the learned counsel for appellant Shri A. M. Saraogi states that he is not pressing this present appeal challenging the refusal of ad-interim relief by learned Ad-hoc Judge, City Civil Court, Borivali Div. Dindoshi, Mumbai in L.C. Suit No. 2481 of 2017.

2. Though the interim relief is refused by the learned Judge of Court below , Notice of Motion No. 3022 of 2017 is still pending before the Court.

3. In that view of the matter, the Notice of Motion No. 3022 of 2017 in LC Suit No. 2481 of 2017 has to be decided as expeditiously as possible and not later than three months from today, after giving

opportunity of hearing to the appellant and the Bombay Municipal Corporation.

4. It is made clear that the observations made by the trial Court were only for the purpose of deciding the relief of ad-interim injunction and the learned Judge of the Court below shall not get himself influenced by the same while deciding the Notice of Motion. The Notice of Motion shall be decided by the learned Judge on its own merit after giving opportunity of hearing to the parties to the said application.

5. AO is disposed of. All civil applications are disposed of.

[V. M. DESHPANDE,J.]