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IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION

APPEAL FROM ORDER No. 954 OF 2016
WITH
CIVIL APPLICATION No. 1198 OF 2016

Hemant Arvind Kapadia ... Appellant
Vs.
Municipal Corporation of Gr. Mumbai ... Respondent

Mr. Mehul Rathod I/b MKS Legal, for the Appellant.

Mrs. Madhuri More, for the Respondent.

CORAM : V. M. DESHPANDE, J.

DATE : JULY 13, 2018

PC :-

1 Heard learned counsel for the appellant and the learned counsel for the Respondent Corporation and its officers. Present appeal is directed against the order dated 2.6.2016 passed by the Judge, City Civil Court at Dindoshi, Borivali Division, Goregaon whereby the ad-interim relief was refused by the court below pending the notice of motion. Learned counsel for the Appellants submits that this court on 9th June 2016

(Coram: R. M. Sawant, J.) has directed Respondents not to take any precipitative steps against the Appellant and that order is continued till today. He submits that since the Notice of Motion is pending from 2016 and interim order is in operation against the Respondent Corporation, he wishes to withdraw the present appeal.

2. Since the interim order is operating in favour of the Appellant from 2016 and the notice of motion is pending before the court below, in the interest of justice, following order is passed:

- (i) Appeal is dismissed as withdrawn by the Appellant;
- (ii) Ad-interim order which is in operation from 9.6.2016 shall remain in operation till decision of the notice of motion filed in S. C. Suit No. 1446 of 2016, on merits by the court below;
- (iii) The court below on whose file S.C. Suit No. 1446 of 2016 along with the notice of motion is pending shall decide the the notice of motion on merits and

in accordance with law within 12 weeks from today by giving opportunity to the parties to the notice of motion. While deciding the notice of motion the court below shall not get influenced by any of the observations made in the impugned order of refusing the ad-interim relief;

- (iv) Parties are also directed to maintain status-quo till disposal of the notice of motion by the court below.
- (v) Needless to state that all civil applications filed in this appeal shall stand disposed of.

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

Vinayak Halemath