

Anand

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

**APPEAL FROM ORDER (ST) NO. 15091 OF 2018
WITH
CIVIL APPLICATION (ST) NO. 15092 OF 2018
IN
APPEAL FROM ORDER (ST) NO. 15091 OF 2018**

Shailendra Kameshwar Giri .Appellant /
Applicant
Vs.

Brihanmumbai Municipal Corporation & anr. .Respondents

Mr. M. Rai i/b. PRS Legal, Advocate, for the Appellant / Applicant
Mrs. M. R. Bhoir, Advocate, for the Respondent - MCGM

CORAM : V.M.DESHPANDE, J.

DATE : 11.07.2018

P.C.

. Mentioned. Not on board. Taken on board.

2. Heard Mr. Rai, learned counsel for the Appellant /
Applicant and Mrs. Bhoir, learned counsel for the Corporation.

3. The present Appeal is directed against the Order dated
18.05.2018 passed by the learned Judge, City Civil Court, Borivali
Division at Dindoshi (Goregaon), Mumbai in L. C. Suit (St.) No. 4691
of 2018. By the said Order, the learned Court below pending the Notice

of Motion, has refused to grant ad-interim relief.

4. The notice that was given is under Section 351 of the Bombay Municipal Corporation Act. After the order was passed, the Hon'ble Vacation Judge of this Court on 28.05.2018, directed the parties to maintain status-quo and the said status-quo is in operation.

5. Since the Notice of Motion itself is pending, in my view, instead of devoting much time on the point whether to grant ad-interim relief or not, interest of justice can be achieved by the following order.

O R D E R

- (i) The Appeal is disposed of;
- (ii) The Court below is directed to decide the Notice of Motion pending before it in L. C. Suit (St.) No. 4691 of 2018 as expeditiously as possible and in any event, within a period of six weeks from the date of receipt of this order after giving liberty of hearing to both sides;
- (iii) Till the Notice of Motion is decided by the Court below, the ad-interim order passed by this Court dated 28.05.2018 shall remain in operation and the parties are directed to maintain status-quo till that time;
- (iv) While deciding the Notice of Motion on its own merits, it is

expected that the learned Judge shall not get influenced by his own observations made in the order;

(v) No order as to costs.

(V.M.DESHPANDE, J.)