IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION

APPEAL FROM ORDER NO.885 OF 2016
Lalita Madhav Shetty
-vs-
The Municipal Corporation of Greater Mumbai and ors.
WITH
APPEAL FROM ORDER NO.442 OF 2018
Zulekha Ali Mohd. And ors.
-vs-
The Municipal Corporation of Greater Mumbai and ors.
WITH
APPEAL FROM ORDER NO.814 OF 2016
Mohd. Hanif Jumma
-vs-
The Municipal Corporation of Greater Mumbai and Anr.
WITH
APPEAL FROM ORDER NO.816 OF 2016
Ayesha wd/o Iqbal I. Bhayat and ors.
-vs-
The Municipal Corporation of Greater Mumbai and ors.

Office notes, Office Memoranda of Coram, appearances, Court's orders or directions and Registrar's orders.	Court's or Judge's Orders.

Shri J. S. Hegde, Advocate for appellant in AO No.885/2016
Shri Vishal Kanade, Advocate i/b Shri J. J. Shah, Advocate for appellant in AO Nos.442/2018 and 816/2016.
Shri Pradeep J. Thorat, Advocate for Appellant in AO No.814/2016
Ms Orja Dhond, Advocate for respondent No.1/MMC.
Shri S. G. Bhandary, Advocate i/b M/s Bhandary & Bhandary for respondent Nos.2(A to C) in AO No.885/2016.

CORAM : A. S CHANDURKAR, J.
DATE : NOVEMBER 19, 2018

In these appeals the original plaintiffs have challenged the order passed by the trial Court refusing to grant ad interim protection so as to restrain the Municipal Corporation from proceeding with the notice issued under Section 354 of the Mumbai Municipal Corporation Act, 1888.

This Court while entertaining the appeals has passed an order on 18/08/2016 and has extended the interim protection that was granted

by the trial Court. Similarly it has been clarified that the said protection would operate qua the landlord of premises and that the occupation of the appellants would be at their own risk. It is informed that the Notices of Motion are now fixed for hearing on 15/12/2018 before the trial Court. Considering the fact that the challenge raised is to an ad-interim order and this Court has granted ad-interim protection which is operating since 18/08/2016, the interests of justice would be served by passing the following order.

These appeals are therefore disposed of in the following terms :

(i) The trial Court shall consider the Notice of Motion in each suit on its own merits and decide the same expeditiously without being influenced by the grant of ad-interim relief by this Court.

(ii) The contentions raised in these appeals are kept open for being urged before the trial Court.

(iii) The ad-interim relief granted on 18/08/2016 shall continue to operate without prejudice to the rights of the parties till the respective Notices of Motion are decided.

(iv) All the Appeals from Order as well as all pending Civil Applications stand disposed of.

JUDGE