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

**APPEAL FROM ORDER (ST) NO.23499 OF 2018
WITH
CIVIL APPLICATION (ST) NO.23501 OF 2018
IN
APPEAL FROM ORDER (ST) NO.23499 OF 2018**

Bharat Mastic Asphalt Combines Private Ltd ... Appellant.

V/s.

Municipal Corporation of Greater
Mumbai and anr ... Respondents

Mr. Shardul Singh a/w Preet Chheda i/by DSK Legal,
for the appellant.
Mrs. Madhuri More, for respondent corporation.

CORAM : DR.SHALINI PHANSALKAR-JOSHI, J.

DATE : 20th AUGUST, 2018.

P.C. :

1] Heard learned counsel for the appellant and respondent.

2] Admit.

3] With the consent of learned counsel for both parties, the
Appeal from Order is taken up for final hearing at the stage of
admission itself.

4] This Appeal takes an exception to the order dated
16.07.2018, passed by Ad-Hoc Assistant Sessions Judge, City Civil &

Sessions Court, Borivali, in Draft Notice of Motion, filed in L.C.Suit No.2015 of 2018. By the said order, the learned trial Court has rejected ad-interim relief of injunction to the appellant.

5] Learned counsel for the appellant points out that in respect of the similar notices issued by respondent Municipal Corporation under Section 53(1) of the Maharashtra Regional & Town Planning Act, 1966 dated 20th March, 2018, and the order dated 12.5.2018, passed by the Officer of the Municipal Corporation, the other residents of the Building had filed L.C.Suit No.1742 of 2018 and also applied for relief of ad-interim injunction by filing Draft Notice of Motion. In that Draft Notice of Motion, by order dated 22nd June, 2018, ad-interim relief is granted by the trial Court and the said Notice of Motion is now pending for hearing .

6] In such circumstances, in this matter also, it would be necessary and it would in the fitness of things, if the order of ad-interim relief of injunction is granted and the trial Court is directed to decide the Draft Notice of Motion filed in both the suits, as expeditiously as possible.

7] Accordingly, the Appeal from Order is allowed.

8] The impugned order passed by the trial Court is set aside.

9] Ad-interim relief of injunction as requested is granted similar to the relief which is granted in Draft Notice of Motion in

L.C.Suit No.1742 of 2018.

10] The trial Court, is directed to decide the Draft Notice of Motion in this suit and also in L.C.Suit NO.1742 of 2018, as expeditiously as possible.

11] In view of disposal of Appeal From order Civil Application (ST) No.23501 of 2018 no more survives and the same is disposed off accordingly.

[DR.SHALINI PHANSALKAR-JOSHI, J.]