

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

**APPEAL FROM ORDER NO. 996 OF 2015
WITH
CIVIL APPLICATION NO. 1222 OF 2015
IN
APPEAL FROM ORDER NO. 996 OF 2015**

Fullmoon Co-Operative Housing Society Limited .. Appellant
Vs.
The Municipal Corporation of Gr. Mumbai & Anr. .. Respondents

Mr. Atul S. Singh for the Appellant.
Mrs. Madhuri More for Respondent No. 1-BMC.
Mr. Manish Bhansali for Respondent No. 2 – in-person present.

CORAM : M.S. SONAK, J.

DATE : 13th August 2018.

P.C. :-

- 1) Heard Mr. Atul Singh for the appellant, Mrs Madhuri More for the respondent No.1 and Mr Manish Tarachand Bhansali respondent No.2-G who appears in-person.
- 2) Mr. Manish Bhansali points out that his Advocate Mr. Jain is unwell and therefore, is unable to attend. He requests for short adjournment.
- 3) However, upon hearing Mr. Atul Singh, the learned Counsel

for the appellant, I am satisfied that the interest of justice will be met if Long Cause Suit No. 1217 of 2008, in which the impugned order dated 23rd August, 2014 came to be made, is expedited, so that the rights of all the parties are decided once and for all finally.

4) The impugned order is only an interim order. At this point of time, no useful purpose will be served by examining the validity of such order in this appeal. Instead, the interest of both the parties will be better served, if the suit itself is ordered to be expedited.

5) Accordingly, the learned Trial Judge is directed to dispose of Long Cause Suit No. 1217 of 2008 as expeditiously as possible and in any case within a period of one year from the date of production of an authenticated copy of this order.

6) The learned Counsel for the appellant points out that the matter is posted on 5th September, 2018 before the learned Trial Judge. Accordingly, liberty is granted to the appellant to produce an authenticated copy of this order before the learned Trial Judge on 5th September, 2018.

7) Further, it is made clear that the learned Trial Judge while disposing of the suit on merits need not be influenced by any observations made in the impugned order dated 23rd August, 2014. All contentions of all the parties are left open and are required to be

adjudicated on the basis of the evidence which parties lead before the learned Trial Judge.

8) With the aforesaid observations, this Appeal is disposed of. Pending Civil Application does not survive and the same is disposed of.

9) All concerned to act on the basis of an authenticated copy of this order.

(M.S. SONAK, J.)