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

**APPEAL FROM ORDER NO.1041 OF 2016
WITH
CIVIL APPLICATION NO.1319 OF 2016
IN
APPEAL FROM ORDER NO.1041 OF 2016.**

Gulshan Kishanchand Lamba	...	Appellant.
V/s.		
The Municipal Corporation of Greater Mumbai and others	...	Respondent

Mr. Amol Kishor Tembe, for the appellant
Mrs. Madhuri More, for respondent corporation.
Mr. Y.V. Divekar a/w Mr. Rohan Karande i/by
M/sDivekar &Co., for respondent Nos. 2 too 4.
Mr.Arvind Pinto, for respondent No.5

CORAM : DR.SHALINI PHANSALKAR-JOSHI, J.

DATE : 25th SEPTEMBER, 2018.

P.C. :

- 1] Heard learned counsel for the appellant and respondent.
- 2] The trial Court, vide its order dated 21st October, 2016, allowed the Notice of Motion No.1996 of 2015, filed in L.C. Suit No.1949 of 2008, thereby condoned the delay and set aside the dismissal order and restored the suit to its original file. While passing the order, the trial Court has not adverted to the prayer made for restoration of interim order. Hence the appellant has preferred this

appeal.

3] On 21st November, 2016, this appeal was placed before this Court and this Court has granted ad-interim relief in terms of the order dated 11th November, 2013 passed by the trial Court, in the Notice of Motion. As a result thereof, the said order of ad-interim relief is running till date.

4] As the suit, which is of the year 2008, is already fixed for recording of evidence, it would be proper that this appeal can be disposed off by continuing the ad-interim relief in terms of order dated 11th November, 2013, granted by this Court till the decision of the suit.

5] Accordingly the Appeal is disposed off with direction to the trial Court to expedite the hearing of the suit.

6] The ad-interim relief granted by this Court to continue till disposal of the suit.

7] In view of disposal of Appeal, pending Civil Application therein becomes infructuous and the same is disposed off accordingly.

[DR.SHALINI PHANSALKAR-JOSHI, J.]