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

**APPEAL FROM ORDER NO.740 OF 2017
WITH
CIVIL APPLICATION NO.992 OF 2017
IN
APPEAL FROM ORDER NO.740 OF 2017
WITH
CIVIL APPLICATION NO.1087 OF 2017
IN
APPEAL FROM ORDER NO.740 OF 2017**

Khalil Ahmed Bhati	...	Appellant
V/s.		
Municipal Corporation of		
Greater Mumbai	...	Respondent

Mr. Pradeep J. Thorat, for the appellant.
Mrs. Madhuri More, for respondent corporation.
Mr. Jamshed Ansari, for Applicant in Application
No.1087 of 2017.

CORAM : DR.SHALINI PHANSALKAR-JOSHI, J.

DATE : 25th SEPTEMBER, 2018.

P.C. :

- 1] Heard learned counsel for the appellant and respondents.
- 2] This Appeal is preferred against the order dated 9th November, 2017, passed by the City Civil Court, Dindoshi, Borivali Division, Mumbai, in Draft Notice of Motion in L.C. Suit No.3052 of 2017.
- 3] The said Draft Notice of Motion was taken by the appellant

restraining respondent from taking any action in pursuance of notice under Section 351 of the Mumbai Municipal Corporation Act, and the order dated 30.10.2017, passed by the Designated Officer of respondent Corporation.

4] It is pertinent to note that though ad-interim relief was refused by the trial Court, trial Court itself has granted order of status quo and the said order of status quo is continued by this Court also. Hence as on today also, the order of status quo or the order of ad-interim relief is continued.

5] It is submitted by learned counsel for the appellant that the Notice of Motion in which the order of ad-interim relief is refused is pending before the trial Court and the next date of hearing is 16th October, 2018.

6] Learned counsel for the Applicant in Application No.1087 of 2017, submits that he is appearing on behalf of the Society, in which the suit structure is situated and the society has filed an application for its impleadment in this Court and also before the trial Court.

7] Moreover, learned counsel for the appellant submits that the appellant has also submitted a proposal to the respondent corporation, for regularization of the suit structure and he has not received reply thereto. Learned counsel for respondent corporation seeks time to take instruction.

8] In view thereof it would be in the fitness of the things that if the parties are relegated to the trial Court and the trial Court is directed to decide the Notice of Motion itself, till then the order of ad-interim relief passed by this Court which is operating till today can be extended .

9] Accordingly, the Appeal is disposed off. The trial Court is directed to decide the Notice of Motion and also application of the Society for it's impleadment as expeditiously as possible.

10] Till the Notice of Motion is decided by the trial Court the order of ad-interim relief granted by this Court is extended.

11] In view of disposal of the Appeal, pending Civil Applications therein, are also disposed off accordingly.

[DR.SHALINI PHANSALKAR-JOSHI, J.]