

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

APPEAL FROM ORDER NO. 500 OF 2015

Mr. Dilip Gangaram DeshmukhAppellant
V/s.
The Municipal Corp. for Greater MumbaiRespondent

Mrs. Usha Kejariwal i/b. Suresh C. More for the appellant.
Mrs. Madhuri More for the Respondent/MCGM.

**CORAM: SMT. ANUJA PRABHUDESSAI, J.
DATED: 02nd MAY, 2018.**

P.C.:

. Heard the learned counsels for the respective parties.

2. The appellant has challenged the impugned order dated 05th December, 2014 whereby the learned Judge, City Civil Court, Gr. Mumbai has rejected ad-interim relief in Notice of Motion filed in L.C. Suit No. 3142 of 2014.

3. The said Notice of Motion was filed in view of the issuance of notice under section 351 of the Mumbai Municipal Corporation Act, 1888. By order dated 17th December, 2014, this Court had directed the parties to maintain status quo and the said interim order was extended

and continues to operate till date. It is seen that the Notice of Motion is of the year 2014 and is still pending before the Trial Court. Considering the above facts, in my considered view, this appeal can be disposed of with directions to the trial Court to dispose of the Notice of Motion in L.C. Suit No.3142 of 2014 within a specified time frame.

4. Hence, Appeal is disposed of with a direction to the parties to complete the pleadings in the Notice of Motion within four weeks from the date of this order. The trial court shall decide the Notice of Motion within a period of four weeks thereafter. The ad-interim relief granted by this Court vide order dated 17th December, 2014 and which was extended by order dated 26th February, 2018 shall continue to operate till the disposal of Notice of Motion. Appeal stands disposed of accordingly.

5. Civil Application stands disposed of in view of disposal of the appeal.

(SMT. ANUJA PRABHUDESSAI, J.)