

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

**APPEAL FROM ORDER (STAMP) NO.35177 OF 2017
WITH
CIVIL APPLICATION (STAMP) NO.35179 OF 2017
AND
CIVIL APPLICATION (STAMP) NO.36441 OF 2017
IN
APPEAL FROM ORDER (STAMP) NO.35177 OF 2017**

Mr. Mohan Lokkaya Shetty
Versus
Municipal Corporation of Greater
Mumbai.

...Appellant
...Respondents

.....

Mr. Manoj Mhatre for the Appellant.
Mr. P.V. Nichani for the Applicant in caast/36441/2017
Mrs. Madhuri More for the Respondent No.1-BMC.

CORAM : SMT. ANUJA PRABHUDESSAI, J.

DATED: 26th MARCH, 2018.

P.C.:-

The Appellant herein, who is the Plaintiff in the suit, has challenged the order dated 7th December, 2017 passed by the learned Judge, City Civil Court, Borivali Division, Dindoshi, in Draft Notice of Motion in L.C. Suit No.3485 of 2017.

2. Heard the learned counsel for the Appellant and the learned counsel for the Corporation and for the Intervenor. Perused the records. The notice under Section 351 of the Mumbai Municipal

Corporation Act, as well as the speaking order does not disclose the survey number in which the suit structure is located. Considering this fact and also considering the pendency of the earlier suits filed by the Appellant against the Corporation, in my considered view parties are required to maintain status-quo in respect of the suit structure till the disposal of the notice of motion.

3. It has been brought to my notice that the intervention application is pending before the Trial Court and the pleading are also not completed. The Trial Court is directed to dispose of the intervention application within a period of two weeks. Parties to complete their pleading in notice of motion within a period of four weeks. The learned Judge to dispose of the notice of motion within a period of eight weeks.

4. In the light of above, the appeal from order stands disposed of.

5. In view of disposal of the appeal from order, the civil applications do not survive and hence stand disposed of.

(SMT. ANUJA PRABHUDESSAI, J.)