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IN THE HIGH COURT OF JUDICATURE AT BOMBAY
ORDINARY ORIGINAL CIVIL JURISDICTION
NOTICE OF MOTION NO. 93 OF 2018
IN
WRIT PETITION NO. 28 OF 2018

Municipal Corporation of Grt. Mumbai and 2 Ors.	... Applicant (Org. Resp)
vs.	
Global Hospital & Research Centre	... Respondent (Org.Petitioner)

Mr. Joaquim Reis, Senior Advocate a/w.Ms, Pooja Yadav for MCGM for the applicant in Notice of Motion / Original Respondent.

Ms. Shweta Sharma a/w. Ms. Aparna Vyas i/b. Solicis Lex for the Respondent in Notice of Motion / Original Petitioner.

CORAM : A.K. MENON, J.

DATE : 24th JULY, 2018

P. C.

1. This Notice of Motion taken out by respondent no. 2 – Corporation seeking vacating of the ad-interim order dated 31st October, 2017 and to expedite the petition. Mr. Reis, learned Senior Counsel appearing on behalf of the Corporation submits that they were not represented at the stage of admission of the petition. He further submits that there have been various violations of the Management Agreement between the petitioner and the Corporation as a result of which the Corporation was entitled to terminate the agreement and take possession of the hospital premises and that the interim protection is now required to be vacated

**Rajeshwari
Ramesh
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since the Corporation was not heard at the admission stage.

2. This motion is opposed on behalf of the petitioner on the ground that the Corporation was duly served with notice before admission and that affidavit of service was on record of the Court as on date of the passing of interim order. The affidavit of service as of 6th November, 2017 when the petition came to be admitted and interim stay was granted as per prayer clause (iii) is on record. Mr. Reis fairly admits that notice of the petition was served upon the respondent-Corporation intimating them. Learned counsel submits that there is no ground for vacating the ad-interim order. The perusal of the affidavit in support of the motion does not reveal that there were any changed circumstances requiring modification of the interim order dated 6th November, 2017. However, since pleadings are now completed there will be no impediment in expediting hearing of the petition. Accordingly, I pass following order :

- (i) Hearing of the petition is expedited.
- (ii) Petition to be listed as per CMIS in the list of expedited Writ Petitions.
- (iii) Notice of motion disposed of in the above terms.

(A.K. MENON, J.)