

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

APPEAL FROM ORDER NO.880 OF 2014

Elite Diagnostic Center Pvt. Ltd.

...Appellant
(Orig. Deft. No. 2)

Vs.

New Laxmi General Store & Anr.

...Respondents

....

None for the appellant.

Mrs. More, advocate for the respondent No. 2/MCGM.

....

CORAM : M.S.KARNIK, J.

DATE : 6th JUNE, 2019

P.C. :

1. None for the appellant.
2. Heard learned counsel Mrs. More appearing on behalf of the respondent No. 2/MCGM. None appeared on behalf of the respondent No. 1.
3. The trial court, by the impugned order, restrained the respondent No.2/MCGM from demolishing the suit premises or any portion thereof in pursuance of Notices No.3626, 3627 and 3628 dtd.30/07/2013. The MCGM was granted liberty to follow the due process of law in respect of the notices and the order. The injunction is in operation since 29/11/2013.

4. On 15/02/2017, this court made it clear that the pendency of this appeal shall not in any manner hinder the City Civil Court from proceeding with L. C. Suit No.2820 of 2013 and this court directed the City Civil Court to proceed with the suit and dispose of the same in accordance with law and on its own merits.

5. Today, none appeared on behalf of the appellant or on behalf of the respondent No. 1.

6. The order of the trial court is operating since 2013. In this view of the matter, taking into consideration, the observations made by this court in the order dtd.15/02/2017, the following order in my opinion would meet the ends of justice :-

(a) The trial court is directed to dispose of the suit expeditiously and decide the same preferably within the period of one year from today.

(b) The order of injunction already granted to continue till disposal of the suit.

(c) Appeal From Order is disposed of accordingly.

(M.S.KARNIK, J.)