

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

**APPEAL FROM ORDER NO.406 OF 2016
WITH
CIVIL APPLICATION NO.533 OF 2016**

Shri Naresh K. Panchal ...Appellant
V/s.

The Municipal Corporation of Greater
Mumbai & Anr. ...Respondents

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None for the appellant.

Mrs. More, advocate for the respondent No. 1/MCGM.

Shri Anil R. Mishra, advocate for the respondent No. 2.

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CORAM : M.S.KARNIK, J.

DATE : 6th JUNE, 2019

P.C. :

1. None appeared for the appellant.
2. Learned counsel for the respondent No. 1 submitted that by order dtd.04/03/2019 passed by this court, it is specifically observed that though the appellant did not remain present on 04/03/2019, by way of last opportunity, the matter was adjourned to 18/03/2019.
4. I have perused the impugned order with the assistance of

the learned counsel for the Municipal Corporation and learned counsel Mr. Mishra appearing on behalf of the respondent No. 2. My attention is invited to paragraph Nos. 6 and 7 of the order. It is specifically recorded by the trial court that though a final order is passed by competent authority of Bombay Municipal Corporation, but the same has not been challenged. Looking to these circumstances, the trial court has proceeded to reject the ad-interim relief holding that without challenging the said order, no ad-interim can be granted. There is no reason to interfere with the order passed by the trial court. Moreover, the order of trial court refusing ad-interim relief in the notice of motion is dtd. 05/11/2015.

5. In this view of the matter, the Appeal From Order is dismissed.

6. Civil Application does not survive and accordingly disposed of.

(M.S.KARNIK, J.)