

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

APPEAL FROM ORDER NO.84 OF 2011

M/s. Modi Motors Agencies Pvt. Ltd. ...Appellant

V/s.

The Municipal Corporation of
Greater Mumbai

...Respondents

....

None for the appellant.

Mrs. More, advocate for the respondents/MCGM.

....

CORAM : M.S.KARNIK, J.

DATE : 7th JUNE, 2019

P.C. :

1. None for the appellant.
2. This appeal is filed against the order dtd.20/12/2010 passed by the Learned Judge, City Civil Court, Mumbai. The suit is of the year 2008.
3. The Appeal From Order was admitted on 25/01/2011.

This court was pleased to pass the following order :-

“Admit.

It is made clear that pendency of appeal shall not come in the way of learned trial Court in proceeding with the suit and that the said suit shall be decided on its own merits. It is further clarified that pendency of the present

proceedings would also not come in the way of present appellant in applying for regularisation of the structure and if such an application is made before the Competent Authority same shall be considered in accordance with law.”

4. In this view of the matter, the trial court can be directed to hear and dispose of the suit itself as expeditiously as possible and preferably within a period of one year from today, if not already decided.
5. As there is no injunction operating in favour of the appellant/plaintiff right from the year 2008 and the notice of motion has also been dismissed by reasoned order with which I do find any error, the relief of injunction came to be rightly refused.
6. The Appeal From Order is disposed of in terms of the above directions.

(M.S.KARNIK, J.)