

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

APPEAL FROM ORDER NO.315 OF 2018

WITH

CIVIL APPLICATION NO.413 OF 2018

Office Notes, Office Memoranda of Coram, Appearances, court's orders or directions and Registrar's orders	Court's or Judge's orders
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Mr.Bholaprasad S. Shukla for the appellant

Mrs.Madhuri More for the BMC

CORAM : K. K. TATED, J

DATE : APRIL 4, 2019

P.C.:

. Heard.

2 By this Appeal from Order, appellant original plaintiff is challenging the order dated 17.01.2018 passed by City Civil Court, Dindoshi-Goregaon at Bombay in Notice of Motion No.71 of 2018 dismissing their application for permitting them to reconstruct the suit structure. Prayer clause (a) of the Notice of Motion reads thus:

"a) that pending the hearing and final disposal of the present suit this Hon'ble Court be pleased to direct the Defendants to restore the suit premises, viz. shop bearing no.1, admeasuring 11' x 18' made partly B.M.Wall and partly Parta Sheet Wall and A.C.Sheet Roof, at Veera Desai Road, Near Laxmi Chawl, Andheri (West), Bombay 40 058, to its original position and/or Plaintiff be permitted to reconstruct and restore the suit premises to its original position at her cost."

3 Without going into the merits of the matter, as suit is pending for hearing and final disposal and the main prayer of the Appeal is to permit them to reconstruct the suit structure, following order is passed :

a Hearing of L.C.Suit No.3592 of 2017 is expedited.

b. This court expects Trial Court to decide L.C.Suit NO.3592 of 2017 as early as possible but in any case on or before 31.12.2019 on its own merits.

c. Appeal from Order as well as Civil Application stands disposed of accordingly.

d. All contentions of both the parties are kept open.

e. It is made clear that Trial Court to pass final order on its own merits without influencing the earlier order passed in the present proceeding.

(K.K.TATED, J.)