

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

APPEAL FROM ORDER (ST) NO.5083 OF 2016

WITH

CIVIL APPLICATION (ST) NO.5084 OF 2016

WITH

CIVIL APPLICATION (ST) NO.5087 OF 2016

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.K.P.Shah for the appellant

Mr.A.Y.Sakhare Sr.Counsel i/b Ms.Madhuri More for the BMC

**CORAM : K. K. TATED, J
DATE : APRIL 23, 2019**

P.C.:

. Heard.

2 By this Appeal from Order, appellant original plaintiff is challenging the oral order dated 8.2.2016 passed by City Civil Court, Dindoshi, Borivali Division, Mumbai in Notice of Motion No.344 of 2016 in Long Cause Suit No.818 of 2016 dismissing their motion.

3 The learned counsel for the appellant submits that earlier they filed Appeal from Order (ST) No.8767 of 2015. He submits that in that Appeal from Order, this court by order dated 28.04.2015 directed Respondent Corporation not to take any coercive action against the appellant original plaintiff as per notice under section 351 of the Mumbai Municipal Corporation Act, 1888 and order dated 18.03.2015 passed by Designated Officer-IV, Assistant Engineer, B & F, K/West. He submits that the said order is continued by this court till today. He submits that in Trial Court they already filed affidavit of evidence and matter is kept for cross-examination.

4 On the basis of the submission made by the learned counsel for the appellant, this court by order dated 15.4.2019 directed counsel for the Respondent to take instruction from their client whether they have any objection to continue the interim order passed by this court till the hearing and final disposal of the Suit and Suit be decided as early as possible.

5 Today the learned Senior Counsel for the Respondent submit that they have no objection to continue the interim protection granted by this court in favour of appellant till the hearing and final disposal of the L.C.Suit No.818 of

2015 which is pending before the City Civil Court at Dindoshi, Borivali Division, Bombay. Hence, by consent of both the parties, following order is passed:

- a. Interim protection granted by this court by order dated 28.4.2015 in Appeal from Order (ST) No.8767 of 2015 to continue till the hearing and final disposal of L.C.Suit No.818 of 2015.
- b. Hearing of L.C.Suit No.818 of 2015 is expedited.
- c. This court expects that Trial Court to dispose of L.C.Suit No.818 of 2015 on its own merits, as early as possible but within one year from today.
- d. Appeal from Order stands disposed of accordingly.
- e. In view thereof, nothing survives in Civil Application. Same stands dismissed as infructuous.
- f. No order as to costs.

Parties to act on authenticated copy of this order.

(K.K.TATED, J.)