

DDR

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

**APPEAL FROM ORDER NO. 422 OF 2018
WITH
CIVIL APPLICATION NO. 557 OF 2018
IN
APPEAL FROM ORDER NO. 422 OF 2018**

Sharad Jivraj Rach ..Appellant

vs.

The Mumbai Municipal Corporation
of Greater Mumbai ..Respondent

....

Mrs. Anjali N. Helekar for appellant.
Mrs. Madhuri More for MCGM.

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CORAM : M.S.KARNIK, J.

DATE : 30th JULY, 2019

P.C. :

The challenge in this Appeal is to an order dated 12th March, 2018 refusing grant of ad-interim relief in the Notice of Motion No. 4296 of 2017 filed by the appellant-original plaintiff.

2. I am informed that the Notice of Motion is not yet decided. The structure in question is alleged to be an unauthorised construction in the compulsory open space of Ramji Raja Chawl, S.V. Raod, Khar (W). It is the case of the

appellant that the suit premises is in existence from 1953 and it was taken on tenancy basis by his late father from landlord.

3. Be that as it may, ad-interim order was refused as far back on 12th March, 2018. This Court had protected the appellant by a status quo order dated 23rd March, 2018 and the same is still operating.

4. In this view of the matter, the trial Court is directed to hear the Notice of Motion No.4296 of 2017 itself within a period of 3 months from today.

5. In case the Corporation has not filed reply, they may do so within a period of 3 weeks from today.

6. The status quo already granted to continue till disposal of the Notice of Motion.

7. The Appeal is disposed of.

8. In view of the disposal of the Appeal, nothing survives for consideration in the Civil Application. The Civil Application is disposed of.

(M.S.KARNIK, J.)