

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

**APPEAL FROM ORDER NO. 911 OF 2016
WITH
CIVIL APPLICATION NO. 1126 OF 2016
IN
APPEAL FROM ORDER NO. 911 OF 2016**

Municipal Commissioner, Municipal
Corporation of Greater Mumbai
& Anr.

...Appellants/Applicants

V/s.

Anjuman Ashequn-E-Rosool

...Respondents

....

Mrs. More, advocate for the appellants.
None for the respondents.

....

CORAM : M.S.KARNIK, J.

DATE : 13th JUNE, 2019

P.C. :

1. The Corporation has filed present Appeal From Order challenging the order dtd.13/05/2016 passed in Notice of Motion No.1997 of 2016. By the order impugned the plaintiff is permitted to replace the tin sheets of roof of suit premises i.e. mosque with new tin sheets. The trial judge has further observed that this permission of replacement of tin sheets of the roof with new tin sheets does not authorise notice structure of the plaintiff. The order was passed as as far as back on 13/05/2016.

2. I am informed by learned counsel for the Corporation that the Notice of Motion No.4196 of 2014 filed by the plaintiff for injunction in respect of section 354A notice is still pending.
3. Obviously, the order dtd.13/05/2016 is passed in the interim to protect the interest of the plaintiff. It would therefore be in the interest of justice, if the trial court is directed to decide the Notice of Motion No.4196 of 2014 itself as expeditiously as possible and in any event within a period of 8 weeks from today. Learned counsel for the Corporation submits that the reply to the said Notice of Motion is already filed.
4. In this view of the matter, without interfering with the impugned order, the trial court is directed to dispose of the Notice of Motion No.4196 of 2014 itself within a period of 8 weeks from today. With these observations, the Appeal is dismissed.
5. In view of the dismissal of the Appeal, nothing survives for consideration in the Civil Application. The Civil Application is disposed of accordingly.

(M.S.KARNIK, J.)