

IN THE HIGH COURT OF JUDICATURE AT BOMBAY**CIVIL APPELLATE JURISDICTION****APPEAL FROM ORDER NO. 264 OF 2019****WITH****CIVIL APPLICATION NO. 313 OF 2019****IN****APPEAL FROM ORDER NO. 264 OF 2019**

Surendra Kumar Agarwal
Through PAO Arvind J. Gupta

.....Appellant.

Vs.

The Municipal Corporation for
Greater Mumbai & Anr.

.....Respondents.

Mr. A.S. Khandeparkar i/by P.D.Saigaonkar for the Appellant.
Smt. Oorja Dhond for the Respondent-MCGM.

CORAM : A. S. GADKARI, J.

DATE : 5th DECEMBER, 2019.

PC.:-

The record indicates that, by an Order dated 17th January, 2014, this Court granted injunction against the Respondent-Corporation from taking any action in pursuance of notice dated 19th June, 2013.

By the subsequent Order dated 15th June, 2017, this Court had directed the Trial Court to dispose off the Notice of Motion expeditiously and had continued the earlier Order.

2 By the impugned Order dated 2nd August, 2018, the said Notice of Motion No. 4312 of 2013 has been dismissed by the Trial Court.

3 Mr. Khandeparkar, the learned counsel for the Appellant
submitted that, the Suit is ready for hearing. That, the Appellant, Original
Plaintiff has already filed his Affidavit of evidence in lieu of examination-in-
chief.

4 In view thereof, it will be appropriate that, the learned Judge
of the City Civil Court, seized of L.C. Suit No. 4498 of 2013 be requested to
dispose of the said Suit at the earliest and till the disposal of the said Suit,
the Order dated 17th January, 2014 granting injunction against the
Respondents from taking any action in pursuance of notice dated 19th June,
2013 to remain in force.

Appeal is disposed off, in the aforesaid terms.

In view of disposal of the Appeal itself, Civil Application No.
313 of 2019 does not survive and is also disposed off.

(A.S. GADKARI, J.)