

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

**APPEAL FROM ORDER NO.1001 OF 2016
WITH
CIVIL APPLICATION NO. 1260 OF 2016**

Santosh Parshuram Bhadrike ..Appellant

v/s.

The Municipal Corporation of Gr. Bombay
& Ors. ..Respondents

Mr. Mohit Jadhav a/w. Megha Shigavan for the Appellant/Applicant.
Mrs. Madhuri More for the Respondent-MCGM.

**CORAM : SMT. ANUJA PRABHUDESSAI, J.
DATED : 26th FEBRUARY, 2019.**

P.C.

1. By the impugned order dated 10th October, 2016 the learned Judge of the City Civil Court, Gr. Bombay has dismissed the Notice of Motion No. 989 of 2016 filed in L.C.Suit No. 475 of 2016. Aggrieved by the said order, the appellant has preferred this appeal.
2. The appellant herein had challenged the Notice under Section 314 of the Mumbai Municipal Corporation Act. The case of the appellant herein is that he is in possession of the subject structure

which had been purchased by him in the year 1999. He has disputed that the said structure is erected on the road.

3. It is seen that by Order dated 8th December, 2016, this Court had directed the respondent Corporation not to take any coercive action on the basis of the subject notice. Ad-interim relief granted on 8th December, 2016 has been extended from time to time and continues to operate till date.

4. The learned Counsel for the appellant submits that the trial of the suit has already commenced and that the plaintiff is under cross examination. He submits that the plaintiff, at the most may examine another witness and that the suit itself can be disposed of expeditiously. He submits that the appellant shall maintain status quo in respect of the subject structure till disposal of the suit. Statement accepted.

5. Considering that the interim relief has been operating from 2016 and the trial has already commenced, with consent, the interim relief granted by order dated 8th December, 2016 is continued till disposal of the suit. The appellant shall maintain status quo in respect of the subject structure till the disposal of the suit.

6. The trial Court is directed to dispose of the suit on its own merits, as expeditiously as possible, and in any event, within a period of six months from the date of receipt of this order.

7. Appeal stands disposed of in above terms. All points and contentions are specifically kept open.

(ANUJA PRABHUDESSAI, J.)