

IN THE HIGH COURT OF JUDICATURE AT BOMBAY***CIVIL APPELLATE JURISDICTION*****FIRST APPEAL NO. 1656 OF 2019
ALONGWITH
INTERIM APPLICATION NO. 1 OF 2019
IN
FIRST APPEAL NO. 1656 OF 2019****Paman Ruchiram Panjabi****..... Appellant/
Applicant****VERSUS****The Municipal Corporation of Greater
Bombay & Ors.****..... Respondents**

Mr. P.J.Thorat for the Appellant/Applicant.

Ms.Sheetal Mane Tadke for the Respondent – M.C.G.M.

CORAM : R.D. DHANUKA, J.**DATE : 9th DECEMBER, 2019****P.C.**

By this first appeal, the appellant has impugned the judgment and decree dated 23rd October, 2019 in L.C.Suit No. 788 of 2011 filed by the appellant.

2. Heard learned counsel for the parties. Mr.Thorat, learned counsel for the appellant states that his client would file an appeal against the order passed by the authority rejecting the application for regularization under section 47 of the M.R.T.P.Act within four weeks from today. Statement is accepted. If any such appeal is filed by the appellant within four weeks from today, the Appellate Authority shall decide the matter on its own without being influenced by the observations made and the conclusion drawn in the judgment and the

decree dated 23rd October, 2019 passed by the trial court.

3. The Appellate Authority shall made an endeavour to dispose of the said application within three months from the date of appeal filed under section 47 of the M.R.T.P. Act after hearing the parties.

4. The interim protection which is in force in this first appeal granted on 22nd November, 2019 to continue till said appeal proposed to be filed by the appellant is disposed of and for a period of two weeks from the date of communication of the said order if the same is adverse against the appellant.

5. The appellant and the respondents shall not seek any unnecessary adjournments before the appellate authority.

6. First Appeal as well as Interim Application No.1 of 2019 are disposed of in the aforesaid terms.

7. The judgment and decree passed by the Trial Court is substituted by this order. It is made clear that since appellant was pursuing these proceedings before the trial court as well as this court in good faith and due diligence, time taken for pursuing the said suit and first appeal shall be excluded under section 14 of the Limitation Act, 1963 if appeal is filed within four weeks from today.

8. The parties as well as the authorities to act on the authenticated copy of this order.

[R.D.DHANUKA, J.]