

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

**APPEAL FROM ORDER (ST.) NO.34213 OF 2018
WITH
CIVIL APPLICATION (ST.) NO.34215 OF 2018
IN
APPEAL FROM ORDER (ST.) NO.34213 OF 2018**

Madhuri Madhusudan Mhaprolkar ... Appellant

Versus

The Municipal Corporation of Greater
Mumbai and Anr.

... Respondents

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Nilesh Pandey a/w Priyank Shukla I/b. R.D. Misra for Appellant.
Mrs. Madhuri More for MCGM/Respondent.

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CORAM : M. S. KARNIK, J.

DATE : 7th JUNE, 2019.

P. C.:

1. Heard learned counsel for the appellant and Mrs. More appears on behalf of the respondent/Corporation.

2. Learned counsel for the appellant invited my attention to the order dated 04.12.2018 passed by this Court. This Court has observed that the perusal of the impugned order indicates that there is a challenge to the notice issued under Section 354 of the Mumbai Municipal Corporation, 1882 when in fact the notice has been issued under Section 351 of the said Act. The Trial Court by

the impugned order rejected the ad-interim relief. This Court by the order dated 04.12.2018 granted ad-interim relief in terms of prayer clause (b).

3. There is no dispute that the Notice of Motion is pending. The Trial Court has observed that the Notice of Motion will be decided on merits after defendants file detailed reply. Mrs. More points out that in fact the detailed reply in the Trial Court has already been filed.

4. In this view of the matter, the Trial Court is directed to decide the Notice of Motion itself within a period of eight weeks from today. In view of this order that I propose to pass, ad-interim granted by this Court to be continued till the disposal of the Notice of Motion.

5. The Appeal From Order is disposed of in view of the above direction.

6. In view of the disposal of the Appeal, Civil Application stands disposed of.

(M. S. KARNIK, J.)