

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

APPEAL FROM ORDER NO. 128 OF 2018

WITH

CIVIL APPLICATION NO. 172 OF 2018

Khoja Shia Isna Ashari Jamaat & Ors. ... **Appellants**

V/s.

Municipal Corporation of Gr. Mumbai ... **Respondent**

WITH

CIVIL APPLICATION NO. 173 OF 2018

IN

APPEAL FROM ORDER NO. 128 OF 2018

Ali Abbas & Anr. ... **Applicants**

In the matter between

Khoja Shia Isna Ashari Jamaat & Ors. ... **Appellants**

V/s.

Municipal Corporation of Gr. Mumbai ... **Respondent**

WITH

CIVIL APPLICATION NO. 174 OF 2018

IN

APPEAL FROM ORDER NO. 128 OF 2018

Alhajj Javed Raza Shroff & Anr. ... **Applicants**

In the matter between

Khoja Shia Isna Ashari Jamaat & Ors. ... **Appellants**

V/s.

Municipal Corporation of Gr. Mumbai ... **Respondent**

Mr. S.R. Ganbavale for Appellant.

Smt. Madhuri More for Respondent (MCGM).

Mr. S. S. Deshmukh for Applicant in CAA No. 173/2018.

Mr. Z. J. Shroff a/w. Ms. Shruti Jain i/b. Y& A Legal for the Applicant in CAA No. 174/2018.

CORAM : A.S. GADKARI, J.

DATE : 12th February 2020.

PC. :

1] By the present appeal the appellants have impugned order dated

19.12.2017 passed in Draft Notice of Motion No. 1354 of 2015 in L. C. Suit No.

1403 of 2015 by the learned Judge of the City Civil Court at Dindoshi, Borivali Division, Mumbai, refusing the ad-interim relief in the said motion.

2] The record indicates that, in the present appeal by an order dated 12.01.2018, this Court had directed the parties herein to maintain *Status quo* till next date. The said ad-interim relief was thereafter continued from time to time and is in operation till today.

3] Mr. Ganbavale, learned counsel for the appellant submitted that the said Draft Notice of Motion is now numbered as No. 1354 of 2015 is ripe for final hearing.

4] In view thereof, the learned Judge seized of Draft Notice of Motion No. 1354 of 2015 in L. C. Suit No. 1403 of 2015 is hereby requested to expedite the hearing of the said Notice of Motion and to make an endeavour to dispose it off within period of 6 months from the date of receipt of the present order.

5] Till disposal of the Notice of Motion No. 1354 of 2015, ad-interim relief granted by this Court by Order dated 12.01.2018 to remain in force.

6] Appeal is accordingly disposed off in the above terms.

7] In view of disposal of Appeal, the Civil Application(s) do not survive and are accordingly disposed off.

[A. S. GADKARI, J.]