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IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION

CIVIL WRIT PETITION NO. 217 OF 2019
WITH
CAA NO. 257 OF 2019

Ramesh Baksuram Buswala

..Appellant

Vs

The Municipal Corporation of Greater Mumbai & Anr.

..Respondents

Mr. Niranjan P. Shimpi for Appellant.

Ms. Oorja Dhond for Respondent No.1/MCGM.

Mr. Yogesh Dabke, AGP for respondent No.2.

CORAM : A.S.GADKARI, J.

DATE : 31st January 2020.

P.C.:

1] By the impugned Order dated 23.11.2016 passed in draft Notice of Motion in L.C. Suit No.3078 of 2016, the Trial Court refused to grant interim relief to the appellant (original plaintiff).

This Court by its Order dated 29.11.2016 had directed the Municipal Corporation not to take coercive action till the adjourned date.

2] Mr. Shimpi, the learned counsel for the appellant submitted that, the said ad-interim relief was thereafter extended from time to time. He submitted that, the said draft Notice of Motion is now number as 437 of 2018 and is ripe for hearing.

3] In view thereof, till the said Notice of Motion No.437 of 2018 is decided by the Trial Court, ad-interim relief granted by this Court by its Order dated 29.11.2016 shall continue.

The learned Judge of the Trial Court seized of Notice of Motion No.437 of 2018 in Suit No.3078 of 2016 is requested to expedite the hearing of the said Notice of Motion and conclude hearing of the same within a period of three months from the date of receipt of this Order.

5] Appeal is partly allowed in the aforesaid terms.

6] In view of disposal of appeal, Civil Application does not survive and the same is accordingly disposed off .

All the concerned to act on authenticated copy of this Order.

(A.S.GADKARI, J.)