

IN THE HIGH COURT OF JUDICATURE AT BOMBAY**CIVIL APPELLATE JURISDICTION****APPEAL FROM ORDER NO. 420 OF 2021
WITH
INTERIM APPLICATION NO. 3267 OF 2021**

Dinesh Raghunath Nalawade ... Appellant
V/s.
Mumbai Metropolitan Regional Authority ... Respondent

Ms.M.J. Reena Rolland for Appellant.
Mr.Akshay P. Shinde for Respondent.

CORAM : A.S. GADKARI, J.
DATE : 7th December 2021.

PC. :

1. By an Order dated 12th November 2021, the Appellant has been directed to put in possession of the suit property and accordingly the Respondent-Authority have complied with the said Order. By the impugned Order dated 11th November 2021, the Trial Court has rejected to grant ad-interim relief in terms of prayer Clause (a) of Draft Notice of Motion. Advocate Ms.Reena Rolland submitted that, the said Draft Notice of Motion is now numbered as Notice of Motion No. 2963 of 2021.

2. In view thereof, it will be appropriate in the interest of justice to permit the Appellant to occupy suit premises till the said Notice of Motion is

decided by the learned Judge seized of Notice of Motion No. 2963 of 2021 in S.C. Suit (Stamp) No. 9603 of 2021.

Learned Judge seized of said Notice of Motion is directed to hear and decide the said Motion within a period of three months from the date of receipt of the present Order.

3. It is needless to mention that, the Trial Court will not get influenced by the observations made by this Court in its Order dated 12th November 2021, which were prima-facie in nature and were made after hearing the learned Advocate for the Applicant only. The Respondents were not heard at that relevant time. The Trial Court therefore is directed not to get influenced by the said observations.

4. In view of the above, nothing further survives in the present Appeal and is accordingly disposed off.

In view of disposal of Appeal, Interim Application No. 3267 of 2021 does not survive and is accordingly disposed off.

[A.S. GADKARI, J.]

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