

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION

APPEAL FROM ORDER NO.302 OF 2019
WITH
CIVIL APPLICATION NO.357 OF 2019
IN
APPEAL FROM ORDER NO.302 OF 2019

Mrs.Shamshad Begam Shabuddin Mulla ...Appellant

Vs.

Brihanmumbai Municipal Corporation,
Thr. Office of Assistant Commissioner ... Respondent

Mr. Pradeep Thorat a/w Umesh Vishwakarma i/b Lalji Shukla for
the Appellant.

Mr. Om Suryawanshi for the Respondent/MCGM.

CORAM : C.V. BHADANG, J.
DATE : 29 JULY 2022

P.C.

. The challenge in this appeal at the instance of the original plaintiff is to the order dated 05.01.2018 passed by the learned City Civil Court, Dindoshi at Mumbai in Notice of Motion No. 4279 of 2017 in L.C. Suit No. 3634 of 2017. By the impugned order, the ad-interim injunction has been refused to the Appellant.

2. I have heard the learned counsel for the Appellant. Perused record.

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3. The record discloses that this Court by an order dated 12.01.2018 has continued the order of status quo granted by the Trial Court which is operating since then.

4. In such circumstances, and as the Notice of Motion is still pending before the City Civil Court and the interim protection is operating from January 2018, the present appeal is disposed of.

5. It would be open to the Respondent-Corporation to file a reply to the Notice of Motion within a period of four weeks from today.

6. Upon such reply being filed, the learned City Civil Court shall proceed to hear and decree the Notice of Motion as expeditiously as possible and preferably within a period of three months from the filing of the reply. The interim order of status quo shall continue to operate during the pendency of the Notice of Motion.

7. In the circumstances, there shall be no order as to costs.

C.V. BHADANG, J.