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IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION

Appeal from Order No. 747 / 2019
Alongwith
Civil Application (CAA) No. 889 / 2019
in
Appeal from Order No. 747 / 2019

Sujata S. Shetty

... Appellant

Versus

Municipal Corporation of Greater Mumbai

... Respondent

Mr. S.M. Sabrad, Advocate for Appellant.

Mr. Ravindra Sirsikar, Advocate for the MCGM.

CORAM : SANDEEP K. SHINDE, J.

DATE : 11th MARCH, 2022.

P.C.

1. Appellant is Plaintiff. He instituted the L.C. Suit No. 3017/2011 in the City Civil Court at Bombay. Pending suit, learned trial Court declined to stay the operation and execution of notice dated 29th March, 2014 issued under Section 354A of the Mumbai Municipal Corporation Act. That order was passed on 5th January, 2019. This appeal challenges the order dated 5th January, 2019. Pending appeal,

the parties were directed to maintain status-quo relating to the suit property. That order is in-force till date. Pending appeal, the trial has commenced. Appellant-Plaintiffs' evidence is underway. In that view of the matter, I deem it appropriate not to interfere with the impugned order, after three years. In consideration of these facts, appeal is disposed of as withdrawn. The learned trial Judge shall conclude the trial on merits without being influenced by the order dated 5th January, 2019 and/or order directing the parties to maintain the status-quo relating the suit property. In fitness of facts, the trial in L.C. Suit No. 3017/2011 is expedited and till its' conclusion, parties shall maintain status-quo in relation to suit property. Appeal and Civil Application therein are disposed of.

(SANDEEP K. SHINDE, J.)