

VAISHALI
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**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION
WRIT PETITION NO. 12034 OF 2022**

Mira Bhayander Municipal Corporation
and Anr.

...Petitioners

Vs.

Bhayander Jagruti Apartment
Co.op. Housing Society

...Respondent

Mr. Mayuresh S. Lagu for Petitioners

CORAM : SANDEEP K. SHINDE, J.
TUESDAY, 11TH OCTOBER, 2022.

P.C. :

1. Petitioners- Municipal Corporation issued notice under Section 260 of the Maharashtra Municipal Corporation Act ('suit notice' for short) to the Respondent Society- Plaintiff. The legality and validity of the notice has been questioned in Special Civil Suit No. 569 of 2016. Pending suit, the Trial court refused to stay the operation and implementation of the suit notice; however, in Misc. Appeal, Learned District Judge, Thane vide order dated 2nd December, 2021, set aside the order of the Trial Court and stayed the operation and implementation of suit notice. Feeling aggrieved by the order passed in Misc. Civil Appeal, Mira Bhayander Municipal Corporation has preferred this petition.

2. Heard Mr. Lagu, learned counsel for the Petitioners.

Perused the impugned order. Suit in question, was instituted in 2016. The execution of the suit notice has been stayed since December, 2021. The learned District Judge, Thane, while deciding the Misc. Civil Appeal, expedited the hearing of the subject suit. In consideration of these facts, I deem it appropriate not to interfere with the impugned order after four years. However, in consideration of the facts of the case, the learned Trial Court shall endeavor to dispose of the subject suit, preferably before 30th September, 2023. It is clarified that this Court has not heard the petition on merits and Trial Court shall dispose of the suit on its own merits and without being influenced by the order dated 2nd December, 2021 passed in Misc. Civil Appeal No. 165/2018 and order of this Court.

5. Writ petition is disposed of in the aforesaid terms.

(SANDEEP K. SHINDE, J.)