

Shailaja

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION
APPEAL FROM ORDER NO.649 OF 2019
A/W
CIVIL APPLICATION NO.738 OF 2019
IN
APPEAL FROM ORDER NO.649 OF 2019**

Sristi Hospitality Private Limited	]	Appellant
Vs.		
The Designated Officer – IV, Assistant	]	
Engineer (B and F) K. West, Municipal	]	
Corporation of Greater Mumbai.	]	Respondent

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Ms. Vishal Kanade a/w Mr. Sanket Mungale, for Appellant.

Mr. Om Suryawanshi, for Respondent.

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CORAM : PRITHVIRAJ K. CHAVAN, J.

DATED : 14th JULY, 2022.

P.C.

1. This appeal has been preferred challenging the order passed by the City Civil Court, Dindoshi refusing interim relief way back on 12th February, 2018.

2. This Court by an order dated 21st February, 2018 directed the respondent to produce digital photographs of the suit building, however, till date the respondent has not complied with the said directions. Interim order came to be continued from time to time till date. Corporation thereafter sought time to produce on record sanctioned plan of the year 1985 of which reference was made by the designated officer in his order dated 3rd August, 2016 (Page 75 of the paper book). This is nothing but lethargy and negligence on the part

of the Corporation. No purpose would be served in keeping the Appeal from Order pending which has been preferred on refusal of interim relief. Hence, Appeal from Order needs to be disposed of by relegating the parties to the trial Court under following directions;

[a] Parties shall appear before the learned Judge, City Civil Court, Dindoshi on 6th September, 2022;

[b] Learned Judge of the City Civil Court shall decide and dispose of Interim Application on it's own merits giving due opportunities to the respective parties as expeditiously as possible and, in any case, within four weeks from the date of receipt of this order;

3. Appeal stands disposed of.
4. All contentions of the parties are expressly kept open.
5. In view of disposal of the appeal, pending Civil Application stands disposed of.
6. Ad-interim relief, granted earlier shall continue to operate till disposal of the application by the City Civil Court.

[PRITHVIRAJ K. CHAVAN, J.]