

IN THE HIGH COURT OF JUDICATURE AT BOMBAY**CIVIL APPELLATE JURISDICTION
APPEAL FROM ORDER No. 209 OF 2019
WITH
CIVIL APPLICATION No. 340 OF 2019
IN
APPEAL FROM ORDER No. 209 OF 2019****VAISHALI
ANIL
TIKAM**Digitally signed
by VAISHALI
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Date:
2022.04.11
18:23:21 +0530**Swaran Nadam Salaria****...Appellant/
Applicant****Vs.****Municipal Corporation of
Greater Mumbai****...Respondent***** * * *****Mr. Aniesh Jadhav i/b. P.J. Thorat, Advocate for the
Appellant/Applicant****Mr. R.V. Sirsikar, Advocate for Respondent/MCGM****Coram : Sandeep K. Shinde, J.****Dated: 11th APRIL, 2022.****P.C. :**

1. The Learned trial court vide order dated 28th February, 2018, declined to restrain the Municipal Corporation of Greater Mumbai, its officers, servants from taking action pursuant to Notice dated 19th July, 2017, issued under Section 351 of the MMC Act. However, the Learned Judge protected the notice structure from demolition for a period of two weeks. That order was continued by this Court on 12th March, 2018. Meanwhile,

the Appellants / Plaintiffs placed on record additional documents in support of their case in Chamber Summons No. 570/2019.

2. Mr. Sirsikar, learned counsel for the Corporation, on instructions, informs this Court that the Notice of Motion is scheduled for hearing on 2nd May, 2022.

3. In consideration of the facts of the case, and in particular, since order impugned was passed at interlocutory stage and further since 2018 the suit structure has been protected, it would be expedient if the trial court decides the Notice of Motion in L.C. Suit No. 2552 of 2017 on its merits without being influenced by the impugned order expeditiously.

4. For all these reasons, the appeal from order is disposed of . The trial court is requested to dispose of the subject Notice of Motion, preferably, within six months from today. Needless to state that till then the ad-interim relief granted by the trial court and continued by this Court on 12th March, 2018 shall continue to operate.

5. Appeal and all applications therein are disposed of.

(Sandeep K. Shinde, J.)