

IN THE HIGH COURT OF JUDICATURE AT BOMBAY

CIVIL APPELLATE JURISDICTION

Appeal from Order No. 37 / 2019

The People's Medical Relief Society and Ors. ... **Appellants**

Versus

The Municipal Corporation of Greater
Mumbai and Ors. ... **Respondents**

Y.V. Divekar a/w Kalyani Bane a/w Rohan Karande i/by M/s. Divekar
& Co., Advocate for the Appellants.

CORAM : SANDEEP K. SHINDE, J.

DATE : 3rd MARCH, 2022.

P.C.

1. In the suit, seeking decree of mandatory injunction, instituted by the Appellants, the learned trial Court vide order dated 2nd February, 2018 declined the interim mandatory injunction. That order is challenged under Order-43, Rule-1(r) read with Section 104 of the Civil Procedure Code. Mr. Divekar, learned Counsel for the Appellants, on instructions, submits that pending appeal, issues have been framed and the suit has reached the stage, of leading evidence. In that view of the matter, I am not inclined to interfere with the

impugned order. All things considered, it would be appropriate to request the trial Court to dispose of the suit expeditiously and preferably before 31st December, 2022. Ordered accordingly.

(SANDEEP K. SHINDE, J.)

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