

IN THE HIGH COURT OF JUDICATURE AT BOMBAY

CIVIL APPELLATE JURISDICTION

**APPEAL FROM ORDER NO. 685 OF 2019
ALONGWITH
CIVIL APPLICATION NO. 808 OF 2019**

MR. NARESH HARIRAM CHOITHANI } APPELLANT
(ORIG. PLAINTIFF)

V/S.

MCGM & ANR. } RESPONDENTS

* * * *

Mr. B.R. Dalal, Advocate for the appellant.

Mr. Ravindra Sirsikar, Advocate for the respondents.

Coram : Sandeep K. Shinde, J.

Wednesday, 16th March, 2022.

P.C. :

1) Legality and validity of notice issued under Section 351 of the Mumbai Municipal Corporation Act was questioned in L.C. Suit No. 598/2019. Pending Notices of Motion, taken out in the said suit, the learned Judge vide order dated 14th March, 2019 declined the ad-interim relief. That order is challenged in this Appeal. This Court

on 18th March, 2019 directed the parties to maintain the status-quo in respect of the suit property. This order is in force till date. The Notice of Motion in which ad-interim relief was refused is scheduled for hearing on 29th March, 2022. In that view of the matter, it would be appropriate not to interfere with the order refusing the ad-interim relief. In the circumstances, the learned trial Court shall dispose off the Notice of Motions on its own merits, without being influenced by order passed by this Court directing the parties to maintain status-quo. Appeal is disposed of in the aforesaid terms.

2) Needless to state, till the disposal of the Notices of Motions No. 658/2019 and 696 of 2019, the parties shall maintain the status-quo, in respect of suit property.

3) With disposal of the Appeal, Civil Application No.808 of 2019 does not survive. The same is accordingly disposed of.

NEETA
SHAILESH
SAWANT

(Sandeep K. Shinde, J.)

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