

***IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION***

***APPEAL FROM ORDER NO.395 OF 2019
WITH
CIVIL APPLICATION NO.469 OF 2019***

Mr. Balkrishna H. Mane ...Appellant
Vs
Municipal Corporation of
Gr. Mumbai ...Respondent
...

Mr. Pradeep J. Thorat for the Appellant.
Mr. Ravindra Y. Sirsikar for MCGM.

***CORAM : SANDEEP K. SHINDE J.
DATE : MARCH 30, 2022.***

P.C. :

In the Long Cause Suit No.1821 of 2012, appellant-plaintiff has questioned legality and validity of the notice dated 16th December, 2011 issued under Section 314 of the Mumbai Municipal Corporation Act, 1888. Pending suit, the trial Court vide order dated 4th March, 2019 refused to protect the suit structure; however, to enable the appellant to approach this Court, suit structure was protected for a period of three weeks. Whereafter, on 26th March, 2019, this Court continued the said protection, which is in force till

date.

2 Mr. Thorat, learned counsel for the appellant, has placed on record case-status in the Long Cause Civil Suit No.1821 of 2012. It shows, appellant/plaintiff has filed affidavit in lieu of evidence. Copy of the case-status is taken on record and marked **“X-1” for Identification**. In that view of the matter, after the lapse of three years, I am not inclined to interfere with status of the Suit Property. However, it is made clear that the trial Court shall decide the suit on merits, without being influenced by the impugned order or the order directing the parties to maintain status-quo, passed by this Court.

3 In consideration of these facts, appeal is disposed of along with application therein.

4 The learned Judge is requested to conclude the trial in the subject suit expeditiously.

5 Needless to state that interim protection granted by this Court shall continue to operate till conclusion of the trial.

(SANDEEP K. SHINDE, J.)