

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

**APPEAL FROM ORDER NO. 726 OF 2019
IN
NOTICE OF MOTION (ST.) NO. 3833 OF 2015
IN
L.C. SUIT NO. 1816 OF 2015
ALONGWITH
CIVIL APPLICATION NO. 869 OF 2019**

M.C.G.M. ...Appellant

V/s.

Shri. Deepak R. Tyagi ... Respondent

...

Mr. R.Y. Sirsikar, Advocate for the appellant.

Mr. Amrut Joshi i/by. Mr. Sanket Mungale, Advocate
for the respondent.

CORAM : SANDEEP K. SHINDE J.

DATE : MONDAY, 25TH APRIL, 2022.

P.C. :

1. Municipal Corporation of Greater Bombay, challenges the order dated 13th June, 2016, by which the Corporation has been restrained from taking steps in furtherance to notice issued under Section 354A of the Mumbai Municipal Corporation Act,

1881. Pending Appeal, the trial has commenced. Plaintiff has filed his Affidavit in lieu of evidence. In that view of the matter, it would be expedient not to interfere in the impugned order, which is in force for more than six years. Appeal is dismissed. Yet having regard to the facts of the case, the learned trial Court shall conclude the Long Cause Suit No.1816/2015, expeditiously. However, till then, the interim order dated 13th June, 2016 shall continue to operate. The trial Court shall decide the suit on its merits, without being influenced by the impugned order or order passed by this Court. The Appeal, alongwith application therein, is disposed of, in the aforesaid terms.

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(SANDEEP K. SHINDE, J.)