

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION

APPEAL FROM ORDER NO.592 OF 2019

A/W

CIVIL APPLICATION NO.671 OF 2019

Metro Unity Coop.Hsg. Society]
Ltd.& Anr.] ... Appellants.

Vs.

M.C.G.M. & Anr.] ... Respondents.

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Mr. Vikrant D. Shetty a/w Sakina Electricwala i/b Pushpa Pasi for
appellant.

Mr. Om Suryavanshi for MCGM.

Mr.S.A. Peerzade, Sub-Engineer (B.P) K/West Ward, M.C.G.M., present.

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CORAM : PRITHVIRAJ K.CHAVAN, J.

DATE : 7th JULY, 2022.

PC.:

1. The trial Court had dismissed the notice of motion, by an order dated 22.2.2019, as appellant failed to establish a prima facie case, balance of convenience as well as irreparable loss, in respect of the subject structure, which according to the respondent/Corporation is being used commercially though, it was permitted to be used for residential purpose.
2. The order impugned, is correct and proper which needs no

interference in the appeal.

3. Learned Counsel for MCGM, on instructions from Mr.S.A.Peerzade, Sub-Engineer (B.P)K/West Ward, submits that the written statement has been filed and the trial would commence.

4. Under such circumstances, no purpose would be served in keeping the appeal from order pending which stands disposed of with the following directions;

- i) The parties shall appear on the next date, before the trial Court.
- ii) The trial Court is directed to frame the issues within one week after appearance of the parties.
- iii) The trial Court shall proceed to record the evidence of respective parties without granting unnecessary adjournments.
- iv) Endeavour shall be made to decide and dispose of the suit within 6 months, thereafter, in accordance with the law.

5. Interim protection granted by this Court, shall continue to operate till disposal of the suit.

6. The appeal stands disposed of in above terms.

(PRITHVIRAJ K.CHAVAN, J.)

