

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION

APPEAL FROM ORDER NO.411 OF 2022
WITH
INTERIM APPLICATION NO.2722 OF 2022
IN
APPEAL FROM ORDER NO.411 OF 2022

Dargaah Baba Mohammad Ramzan Shah
Karim Ullah Quadri So., Thr. Its
President Mr. Ramiz Shaikh

...Appellant

Vs.

The Chief Commissioner
Thr. Municipal Corporation of Greater
Mumbai & Anr.

... Respondents

Mr. Anil S. Kharatmol a/w Ms. Pooja Darne for the Appellant.
Mr. R.Y. Sirsikar for the Respondent-MCGM.

CORAM : C.V. BHADANG, J.

DATE : 27 JULY 2022

P.C.

. This Appeal challenges the order dated 2 December 2020 in Draft Notice of Motion in Civil Suit Stamp No.4862 of 2020 by which ad-interim relief of injunction restraining the Respondents from interfering with the suit structure has been rejected. Although the learned counsel for the Appellant submitted that City Civil Court had granted protection for three weeks time in order to enable the Appellant to approach this

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Court, thereafter, the said order is not continued. Thus, from December 2020 the Appellant is without any ad-interim protection.

2. The Notice of Motion is pending before the City Civil Court.

3. Considering the overall circumstances and the fact that the ad-interim relief has been refused way back in December-2020 and the Notice of Motion is still pending, the present Appeal is disposed in the following terms.

ORDER

(i) The Respondent-Corporation shall file the reply to the Notice of Motion, if not already filed, within a period of three weeks from today, after serving an advanced copy on the learned counsel for the Appellant-Plaintiff.

(ii) The City Civil Court shall hear and decide the Notice of Motion as expeditiously as possible and preferably within a period of three months from the date of filing of the reply.

(iii) The rival contentions of the parties, on merits, are left open.

(iv) In the circumstances, there shall be no order as to costs.

C.V. BHADANG, J.