

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION
APPEAL FROM ORDER NO.278 OF 2022
WITH
CIVIL APPLICATION NO.28 OF 2022

Anisuddin Mohammed Jamil .. Appellant

Versus

Municipal Corporation of Greater .. Respondent
Mumbai

WITH
CIVIL APPLICATION NO.16 OF 2022
IN
CIVIL APPLICATION NO.28 OF 2022

Sunni Muslim Chota Qabrastan .. Applicant

Versus

Anisuddin Mohammed Jamil .. Respondent

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Mr.Amogh Singh i/b Mr.D.P. Singh for the Appellant.
Mr.Khan Javed Akhtar for the Applicant in CAO/16/22.
Mr.Santosh Parad for the Respondent/MCGM.

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CORAM: BHARATI DANGRE, J.
DATED : 01st APRIL, 2022

P.C:-

1. By order dated 19/09/2019, the Corporation was directed to file it's affidavit disclosing status of the suit property as against it's demolition. The ad-interim relief in favour of the appellant was continued.

2. The present appeal is filed, being aggrieved by refusal to grant ad-interim relief as prayed in the Notice of Motion and it is informed that the said Notice of Motion is still pending.

Interest of justice would be better served by maintaining the order dated 19/09/2019 and directing the Civil Judge to decide the Notice of Motion on merits within a period of one month from today.

Needless to state that while determining the Notice of Motion, the learned Judge shall not be influenced by the order dated 28/05/2019 whereby the ad-interim relief was refused. The parties shall render their co-operation in disposal of the Notice of Motion.

3. Civil Application No.16 of 2022 is instituted by the applicant, claiming to be the landlord and owner in respect of the suit property, which assertion is specifically denied by the counsel for the appellant. Since he seeks intervention in the proceedings, the civil application stands disposed off with a direction to prefer an application before the City Civil Court, who shall be competent to consider the said application on it's own merit.

4. With the aforesaid, the Appeal from Order stands disposed off alongwith the pending applications.

(SMT. BHARATI DANGRE, J.)