

Urmila Ingale

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

**APPEAL FROM ORDER NO. 517 OF 2021
WITH
INTERIM APPLICATION NO. 4255 OF 2021**

Premji Shambhu Gala .. Appellant
vs.
Municipal Corporation of
Greater Mumbai ors. .. Respondents

Mr. Amogh Sing i/b Mr. Neel Anil Gala, for Appellant.
Mr. Anoop Patil a/w Mr. R.Y. Sirsikar, for Respondent -MCGM.

CORAM : M. S. KARNIK, J.

DATE : SEPTEMBER 27, 2022

P.C. :

1. Heard learned counsel for the appellant and learned counsel for the respondent MCGM.
2. The order impugned in this appeal is dated 01/12/2021 of the City Civil Court, Borivali Division Dindoshi. By the impugned order, City Civil Court refused to grant ad-interim order in favour of the appellant. By the order dated 22/12/2021, this Court granted interim relief in this appeal from order in terms of clause (b) of the Interim Application No. 4255 of 2021. Ad-interim already granted

continues to subsist even today. The notice of motion is still pending. It would be in the interest of justice, instead of keeping this appeal from order pending, having regard to the distance of time since filing of the notice of motion, the notice of motion itself can be directed to be decided in a time bound manner.

3. It is made clear that in case the reply is not filed by the Corporation to the notice of motion, the same shall be filed within a period of 2 weeks from today.

4. The parties to appear before the learned City Civil Court on 03/10/2022 along with the copy of this order considering the urgency which is made out by MCGM.

5. Copy of this order be produced for the perusal of the learned Judge.

6. Learned Judge is requested to hear and decide the notice of motion itself, at the earliest, preferably by 30/11/2022.

7. The parties to co-operate and will not seek unnecessary adjournment.

8. Keeping all contentions open, appeal from order is disposed of. The interim order already in operation to continue till the disposal of the notice of motion.

9. No costs. The interim application also stands disposed of.

(M. S. KARNIK, J.)