

IN THE HIGH COURT OF JUDICATURE AT BOMBAY

CIVIL APPELLATE JURISDICTION

APPEAL FROM ORDER NO. 646 OF 2019

WITH

CIVIL APPLICATION NO. 734 OF 2019

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MR. KODOTU VELLUDHAN RAJAN } APPELLANT

V/S.

**MUNICIPAL CORPORATION OF
GREATER MUMBAI } RESPONDENT**

*** * * ***

Mr. S.M.Sabrad Advocate for the appellant.

Mr. R.Y.Sirsikar Advocate for the respondent-Corporation.

**Coram : Sandeep K. Shinde, J.
Thursday, 7th April, 2022.**

P.C. :

1) This appeal challenges the order dated 1st August, 2018 in Draft Notice of Motion in Long Cause Suit (St) No.13431 of 2013 by which the learned Judge, City Civil Court, declined to stay the execution of the notice dated 28th September, 2018 issued under Section 354A of the

Mumbai Municipal Corporation Act, 1888. Although this appeal was filed in 2019, till date, this Court has not granted any relief to the appellants. However, it may be noted that the Corporation has not pulled down the suit structure till date. This fact has been verified by Mr. Sirsikar, learned counsel for the Corporation.

2) Mr. Sabrad, learned counsel for the appellants, on instructions, submitted that Notice of Motion in the said Suit is scheduled for final hearing on 16th June, 2022.

3) Having regard to the facts of the case and in particular, appeal challenges the order refusing the ad-interim relief, I am not inclined to interfere in the said order, also for the reason that Notice of Motion is scheduled for hearing on 16th June, 022.

4) In that view of the matter, appeal is disposed of along with applications therein.

5) The Trial Court shall decide the Notice of Motion on its own merits without being influenced by the impugned order or the order passed by this Court in this Appeal.

(Sandeep K. Shinde, J.)