Ajay

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION

APPEAL FROM ORDER NO. 381 OF 2017
WITH
CIVIL APPLICATION NO. 488 OF 2017
IN
APPEAL FROM ORDER NO. 381 OF 2017

The Municipal Corporation of Greater Mumbai .. Appellant

Versus

Anis Mahemood Ansari .. Respondent

.....

- Mr. Om Suryawanshi, Advocate for the Appellant - MCGM.

.....

CORAM : MILIND N. JADHAV, J.

DATE : JULY 20, 2022

P.C.:

1. The present Appeal from Order has been filed by the Corporation to challenge the order dated 22.10.2016 passed by the learned Trial Court, *inter alia*, restraining the Corporation from proceeding against the respondent (original plaintiff). The impugned order also records that it shall be open to both the parties to place on record the necessary evidence in support of their respective case.

2. The impugned order was past 6 years ago. The issues have been framed. It is informed that the suit shall now appear on the board of the Trial Court on 25.08.2022 for filing of affidavit of evidence of the respondent (original plaintiff). No fruitful purpose shall be served by keeping the present Appeal from Order pending and/or deciding at a later stage. Both the parties shall be at liberty to lead evidence in respect of their case before the Trial Court.

3. Mr. Suryawanshi, learned counsel appearing for the appellant submits that the suit pending before the Trial Court be expedited. Though there is no specific prayer made in any application before the Court, in the interest of justice, this request made by the learned counsel for the Corporation can be granted. L.C. Suit No.2931 of 2015 filed by the respondent (original plaintiff) pending on the record and file of the Trial Court shall be disposed of within a period of 8 months from the date of this order.

4. In view of the above, Appeal from Order No.381 of 2017 stands disposed of. Consequently Civil Application No.488 of 2017 also stands disposed of.

[MILIND N. JADHAV, J.]

AJAY TRAMBAK UGALMUGALE
Digitally signed by AJAY TRAMBAK UGALMUGALE
Date: 2022.07.20 18:19:40 +0530