

Shailaja

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION
APPEAL FROM ORDER NO.903 OF 2019**

Elias Joseph Vaz	]	Appellant
Vs.		
Mumbai Municipal Corporation of	]	
Greater Mumbai and another.	]	Respondents

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Mr. J.S. Yadav i/b Mr. B.S. Shukla, for Appellant.

Mr. Om Suryawanshi, for Respondents-MCGM.

Mr. Vaibhav Nikam, Junior Engineer (Maintenance) H/West present in the Court.

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CORAM : PRITHVIRAJ K. CHAVAN, J.**DATED : 14th JULY, 2022.****P.C.**

1. On 27th June, 2022, learned Counsel appearing for the respondents – Municipal Corporation of Greater Mumbai requested for some time to take instructions as to whether suit property was taken over by the Municipal Corporation on 9th March, 2016. In that regard, today concerned officer of the Municipal Corporation Mr. Vaibhav Nikam is present in the Court to instruct the learned Counsel for respondents - M.C.G.M.

2. My attention is invited to a correspondence dated 20th April, 2012 by which the appellant had been asked to stop the Eating House which was being run in *Balvikas Kendra* and hand over the premises to the Corporation which was duly received by the appellant.

3. Since either of the parties claim to be in possession of the suit property, no fruitful purpose would be served by keeping the Appeal from Order pending. As such, the appeal from order can be disposed of with following directions;

- [a] Parties to appear before the trial Court on 25th July, 2022.
- [b] Trial Court is directed to frame issues and proceed with the trial of the suit, in accordance with law, by giving due opportunities to the parties;
- [c] Trial Court shall not grant unnecessary adjournments to any of the parties;
- [d] The suit shall be decided as expeditiously as possible and, in any case, by the end of October, 2022.

4. Appeal stands disposed of in the aforesaid terms.

[PRITHVIRAJ K. CHAVAN, J.]