

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION

APPEAL FROM ORDER NO.595 OF 2019
A/W
CIVIL APPLICATION NO.675 OF 2019
IN
APPEAL FROM ORDER NO.595 OF 2019

Subhash Maganlal Patel ... Appellant.
Vs.
Municipal Corp.of Gr.Mumbai. ... Respondents.

Mr. P.J. Thorat a/w J.S. Yadav i/b Mr. B.P. Shukla for appellant.

Mr. Om Suryavanshi for MCGM.

CORAM : PRITHVIRAJ K.CHAVAN, J.

DATE : 30th JUNE, 2022.

PC.:

1. Notice of motion was dismissed by the City Civil Court, Dindoshi, Mumbai, on 17.10.2018, against which, present appeal has been preferred by the appellant, in which, this Court had granted ad-interim relief which continued from time to time.
2. It is informed that after framing the issues, affidavit in lieu of examination-in-chief has been filed by the appellant on 15.06.2022 and the matter is now fixed for cross examination, by the M.C.G.M., on 15.07.2022. There will be no point in keeping the appeal pending and therefore, the parties are relegated to the trial court for expeditious hearing of the suit on

merits.

3. The appeal stands disposed of with following directions:

(i) The parties shall appear before City Civil Court at Dindoshi-Goregaon, Mumbai, on 22.7.2022, on which date, the respondent shall cross examine the plaintiff-appellant.

(ii) The trial court shall decide and dispose of the suit on merits, in accordance with law, within 4 weeks, thereafter.

(iii) *Ad-interim relief* shall continue to operate till disposal of the suit.

(vi) Appeal disposed of, in the aforesaid terms.

(PRITHVIRAJ K.CHAVAN, J.)

