

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION

APPEAL FROM ORDER NO.223 OF 2020
WITH
INTERIM APPLICATION NO.3475 OF 2020
IN
APPEAL FROM ORDER NO.223 OF 2020

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Jayakumar G. Nadar

....Appellant/Applicant

V/S

Mumbai Municipal Corporation of
Greater Bombay

....Respondents

...

Mr. Kunal Bhanage a/w Mr. Akshay Pawar, Mr. Yash Joglekar, Ms. Priyanka Acharrya for the Appellant/Applicant.

Ms. Smita Tondwalkar for Respondent.-MCGM.

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CORAM: SANDEEP V. MARNE, J.

DATE : DECEMBER 21, 2023.

P.C.:

1 The challenge in the present Appeal is to the order dated 6 March 2020 passed by the City Civil Court refusing *ad-interim* relief in Draft Notice of Motion tendered in L.C. Suit No.516 of 2020. During pendency of this Appeal, this Court has granted interim protection in favour of the Appellant by order dated 20 March 2020 which continues to operate till date.

2 Considering the fact that the order challenging in the present Appeal refuses to grant merely *ad-interim* relief, it is appropriate that the City Civil Court decides the Notice of Motion for temporary injunction. Till decision of the Notice of Motion for temporary injunction, the interim protection granted by this Court needs to be extended.

3 The Appeal is accordingly disposed of with a request to the Civil Court to decide the Notice of Motion for temporary injunction. Till decision of Notice of Motion for temporary injunction, the interim protection granted by this Court shall continue to operate.

4 With the above observations, the Appeal from Order is disposed of.

5 In view of the disposal of the Appeal from Order, the Interim Application does not survive and the same is also disposed of accordingly.

(SANDEEP V. MARNE, J.)

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