

IN THE HIGH COURT OF JUDICATURE AT BOMBAY  
CIVIL APPELLATE JURISDICTION

APPEAL FROM ORDER NO. 217 OF 2023  
WITH  
INTERIM APPLICATION NO.3130 OF 2023

Mr. Mukesh Vagatlal Siyal

...Appellant

Versus

The Municipal Corporation of Greater  
Mumbai and Another

...Respondents

...

Mr. Manish Jain a/w Mr. Prasad Munde i/by S.M. Jain Associates, for  
Appellant.

Mrs. Smita Tondwalkar, for Respondents - MCGM.

...

CORAM : SANDEEP V. MARNE, J.

DATE : AUGUST 25, 2023.

P.C.:

1. By this Appeal Appellant challenges order dated 13 March 2023 passed by the City Civil Court, Mumbai by which the Court has declined to grant ad-interim relief in favour of the Appellant-Plaintiff. The suit is filed challenging notice issued under the provisions of Section 351(1A) of the Mumbai Municipal Corporation Act, 1988 on 23 December 2022.

2. When the Present Appeal came up for hearing on 28 March 2023 following order was passed:-

**ORDER**

- “I) Issue notice to the respondent, returnable on 12<sup>th</sup> April, 2023.
- II) The learned Counsel for the respondent waives notice on behalf of the respondent-Corporation.
- (III) The respondent is at liberty to file an affidavit- in-reply on or before 10<sup>th</sup> April, 2023.
- (IV) In the meanwhile, the interim protection granted by the learned Judge, City Civil Court by an order dated 14<sup>th</sup> March, 2023, shall continue to operate.”

3. Thus, in view of the order passed by this Court on 28 March 2023, the interim protection granted by the City Civil Court on 14 March 2023 is continued to operate. In that view of the matter, instead of determining correctness of the ad-interim order passed by the City Civil Court on 13 March 2023, the Court can be requested to hear and decide the Notice of Motion finally. Interim protection continued till date can be extended till the decision of Notice of Motion.

4. Accordingly the present Appeal is disposed of requesting the City Civil Court to hear and decide the Notice of Motion No.158 of 2023 within a period of eight weeks from today.

5. The ad-interim protection granted by the City Civil Court on 14 March 2023 shall continue to operate till disposal of the Notice of Motion.
6. With the above direction, the Appeal is disposed of.
7. In view of order passed in Appeal from Order No.217 of 2023, Interim Application No.3130 of 2023 is disposed of.

**(SANDEEP V. MARNE, J.)**