

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION
APPEAL FROM ORDER NO.345 OF 2023
WITH
INTERIM APPLICATION NO.4265 OF 2023**

Chand Shafi Shaikh ... Appellant
versus

The Municipal Corporation of Greater Mumbai ... Respondent

**WITH
APPEAL FROM ORDER NO.350 OF 2023
WITH
INTERIM APPLICATION NO.4276 OF 2023**

Shadab Amirullah Choudhary ... Appellant
versus

The Municipal Corporation of Greater Mumbai ... Respondent

**WITH
APPEAL FROM ORDER NO.348 OF 2023
WITH
INTERIM APPLICATION NO.4274 OF 2023**

Rubina Bano Gulam Mohd. Khan ... Appellant
versus

The Municipal Corporation of Greater Mumbai ... Respondent

**WITH
APPEAL FROM ORDER NO.351 OF 2023
WITH
INTERIM APPLICATION NO.4279 OF 2023**

Chandravati Udayraj Yadav ... Appellant
versus

The Municipal Corporation of Greater Mumbai ... Respondent

**WITH
APPEAL FROM ORDER NO.346 OF 2023
WITH
INTERIM APPLICATION NO.4271 OF 2023**

Nadiya Anjum Rahmullah Shaikh ... Appellant
versus

The Municipal Corporation of Greater Mumbai ... Respondent
WITH
APPEAL FROM ORDER NO.349 OF 2023
WITH
INTERIM APPLICATION NO.4275 OF 2023

Rajan Sudalala T. Acharya ... Appellant
versus
The Municipal Corporation of Greater Mumbai ... Respondent
WITH
APPEAL FROM ORDER NO.347 OF 2023
WITH
INTERIM APPLICATION NO.4273 OF 2023

Mohd. Afzal Chaudhary ... Appellant
versus
The Municipal Corporation of Greater Mumbai ... Respondent
WITH
APPEAL FROM ORDER NO.353 OF 2023
WITH
INTERIM APPLICATION NO.4281 OF 2023

Rashida Shamshad Hussain Chaudhary ... Appellant
versus
The Municipal Corporation of Greater Mumbai ... Respondent

Mr. S.K.Dubey for Appellants.
Mrs. Smita Tondwalkar, for Respondent-corporation

CORAM: N.J.JAMADAR,J.

DATE : 13 JUNE 2023

P.C.

1. Heard the learned Counsel for the parties.
2. In all these appeals, while granting ad-interim protection by an order dated 2 May 2023, this Court has noted that the learned Judge, City Civil Court did

not take into account the Speaking Order passed by the Designated Officer of the Corporation.

3. The learned Counsel for the Appellants submits that Chamber Summons taken out by the Appellants-Plaintiffs to amend the Plaints so as to annex and assail the Speaking Order came to be allowed and the necessary amendment has been carried out.

4. In the aforesaid view of the matter, since the Notices of Motion await adjudication before the City Civil Court and the impugned order declining to grant ad-interim relief came to be passed without benefit of the Speaking Order, it may be expedient to request the City Civil Court to decide the Notices of Motion as expeditiously as possible after considering the Speaking Order and the Affidavit in Reply which may be filed by the Respondent-Corporation in the Notices of Motion and, in the meanwhile, protect the Appellants-Plaintiffs.

5. Hence, the following order :

ORDER

(i) The Respondent-Defendant shall file an Affidavit in Reply to the Notices of Motion within a period of two weeks from today before the City Civil Court.

(ii) The City Civil Court is requested to decide Notices of Motion as expeditiously as possible and preferably within a period of four months after

considering the Speaking Order passed by the Designated Officer and the Affidavits in Reply to be filed on behalf of the Respondent-Corporation.

(iii) In the meanwhile, the Respondent-Corporation shall not act upon the impugned notice dated 23 September 2022 till the disposal of the Notices of Motion.

(iv) The Appeals stand disposed.

(v) In view of the disposal of the Appeals, Interim Applications also stand disposed.

(N.J.JAMADAR, J.)