

Santosh

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION**

**APPEAL FROM ORDER NO. 160 OF 2022
WITH
INTERIM APPLICATION NO. 1075 OF 2022**

SANTOSH
SUBHASH
KULKARNI

Digitally signed by
SANTOSH
SUBHASH
KULKARNI
Date: 2023.07.24
12:03:33 +0530

M/s. H. S. Builders & Developers and anr. ...Appellants

Versus

The Municipal Corporation of Greater
Mumbai and ors. ...Respondents

Mr. Yogeshwar Bhate, for the Appellants.

Ms. Smita Tondwalkar, for the MCGM/Respondent.

Mr. J. S. Tiwari, for Respondent Nos.3 & 6.

CORAM: N. J. JAMADAR, J.

DATED : 19th JULY, 2023

PC:-

1. Heard the learned Counsel for the parties.
2. This appeal is directed against an order dated 10th August, 2021 passed in Notice of Motion No.1359 of 2021 in LC Suit No.1111 of 2021, whereby the learned Judge, City Civil Court declined to grant an ad-interim relief.
3. Notice of Motion No.1359 of 2021 awaits adjudication.
4. The learned Counsel for respondent Nos.3 and 6 submits that respondent Nos.3 and 6 would file affidavit-in-reply to the Notice of Motion, on the scheduled date i.e. 5th September, 2023.

Let respondent Nos.3 and 6 file affidavit-in-reply to the Notice of Motion on or before 5th September, 2023.

5. Rest of the respondents – defendants are at liberty to file reply to the Notice of Motion, within four weeks of 5th September, 2023.

6. The plaintiffs - appellants shall file affidavit-in-rejoinder, if any, within two weeks thereafter.

7. The learned Judge, City Civil Court, is requested to make an endeavour to decide the Notice of Motion as expeditiously as possible and, preferably within a period of four months from the date scheduled for filing affidavit-in-rejoinder on behalf of the plaintiffs – appellants.

8. Appeal stands disposed.

9. In view of disposal of the appeal, interim application does not survive and stands disposed.

[N. J. JAMADAR, J.]