

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION

WRIT PETITION NO. 10020 OF 2023

L Market Owners Association through
its authorized representative ... Petitioner

Versus

City and Industrial Development Corporation
(CIDCO) and Anr. ... Respondents

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Mr. Surel S. Shah a/w Mr. S.C. Mangale i/by Mr. Harshad A. Sathe
for the Petitioner.

Mr. Ashutosh M. Kulkarni a/w Mr. Akshay R. Kulkarni for
Respondent No.1-CIDCO.

Mr. Tejas Dande, for respondent No.2-NMMC.

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CORAM : SHARMILA U. DESHMUKH, J.

DATE : August 8, 2023.

P. C. :

1. The petition has been moved urgently challenging the order dated 03.08.2022 passed by the Appellate Court, rejecting the application filed by the Petitioner for *status-quo*. The application was filed below Exh.11 in the Misc.Civil Appeal No.81 of 2023, which has been preferred against the order dated 18.05.2023 passed below Exh.5, rejecting the temporary injunction application of the appellant.

2. Considering that the appeal is pending before the Appellate Court which is listed on 5th September, 2023 and considering that the project of NMMC by virtue of which kiosk are being allotted to handicapped people in the open space to which an objection has been raised by the petitioner by placing reliance on the decree of the year 1999 and the deed of apartment, it would be in the fitness of the case, if the Appellate Court is directed to hear the appeal expeditiously.

3. In view of the public project which has been undertaken by the Navi Mumbai Municipal Corporation, the date of 05.09.2023 is preponed to 21.08.2023. The Appellate Court is requested to hear the appeal on 21.08.2023 and decide the same expeditiously and in any event on or before 04.09.2023.

4. Learned counsel appearing for the parties assure that they would appear before the concerned Court on 21.08.2023 and the appeal would be argued and no adjournments will be sought. It is clarified that if any adjournment is sought, the Appellate Court to take appropriate steps and to ensure that the hearing is concluded on 21.08.2023 and the appeal is adjudicated on or before 04.09.2023.

5. Writ Petition stands disposed of. The parties to maintain *status-quo* till 21.08.2023.

6. Needless to clarify that this Court has not gone into the merits of the petition and all the rights and contentions of all the parties are expressly kept open. The Appellate Court to decide the appeal on its own merits and uninfluenced by observations made in the order.

(Sharmila U. Deshmukh, J.)