

Vidya Amin

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

**APPEAL FROM ORDER NO. 1007 OF 2016
WITH
CIVIL APPLICATION NO. 1266 OF 2016**

Ramawadh D. Jayaswal ... Appellant/
Applicant
Versus
Maharashtra Housing and Area Development ...Respondent
Authority

**CIVIL APPLICATION NO. 1104 OF 2018
IN
APPEAL FROM ORDER NO. 1007 OF 2016**

N.A. Ganesh ...Applicant
In the matter between ... Appellant
Ramawadh D. Jayaswal
Versus
Maharashtra Housing and Area Development ...Respondent
Authority

**CIVIL APPLICATION (St.) NO. 31008 OF 2016
IN
CIVIL APPLICATION NO. 1266 OF 2016**

Venu Gopal Iyer & Anr. ... Applicant
Versus
Ramawadh D. Jayaswal ...Respondent

Mr. A.Y. Sakhare a/w. Mr. Sanjeev R. Singh, Mr. Ritesh Singh for the
appellant/applicant in CAA/1266/2016.
Mr. P.G. Lad a/w. Ms. Shreya Shah, Ms. Sayali Apte for the respondent/
MHADA.
Mr. Venu Gopal Iyer, intervenor/applicant in person in CAO
(St.)/31008/2016.

CORAM: G. S. KULKARNI, J.
DATED: 18 January 2023

P.C.

1. This Appeal from Order is preferred against an ad-interim order dated 24 October, 2016 passed by the learned Judge of the City Civil Court at Dindoshi, Borivali Division whereby pending the hearing of Notice of Motion, interim protection as prayed for by the appellant has been rejected.

2. This appeal was filed on 26 October, 2016. On 27 October, 2016, a co-ordinate Bench of this Court had passed the following order granting an interim protection in the present proceeding:

“1] This appeal is preferred against the order of the City Civil Court, Mumbai dated 24th October, 2016, thereby refusing ad-interim relief of injunction.

2] It is submitted that the certified copy of the detailed order is not available till today. Hence, in view of the ensuing “Diwali Vacation”, the matter is kept for 17th November, 2016 for hearing. Till then ad-interim relief as per prayer clause (b) is granted.

3] Stand over to 17th November, 2016.”

3. The above protection has continued to operate till date. The Notice of Motion on which the impugned order has been passed itself is of the year 2016.

4. In the aforesaid circumstances, it is appropriate that Notice of Motion itself is heard expeditiously and decided by the learned trial Judge. No useful purpose would be achieved in adjudicating the present Appeal from Order when Notice of Motion itself has remained pending.

5. Appeal from Order is accordingly disposed of by the following order:

(i) Learned trial Judge is requested to take up Notice of Motion for adjudication as expeditiously as possible. Let the same be decided on or before 31 March, 2023.

(ii) All contentions of the parties on the pending proceedings are expressly kept open.

(iii) The protection granted by this Court vide order dated 27 October, 2016 shall continue to operate till the final orders are passed on the Notice of Motion.

6. At this stage, Mr. Lad, learned counsel for the respondent/MHADA states that he is not aware whether reply affidavit has been filed in the Notice of Motion. Mr. Sakhare, learned counsel for the appellant states that no reply has been filed. If that is so, let reply affidavit be filed within one week from today.

7. In view of disposal of Appeal from Order, Civil Applications do not survive and the same are accordingly disposed of.

(G. S. KULKARNI, J)