

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION

APPEAL FROM ORDER NO.1027 OF 2023
WITH
INTERIM APPLICATION 18023 OF 2023

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Sayba Home Makers
Through Its Partners
Mr. Abdul Rahimi Payak

..Appellant

Versus

The Assistant Municipal Commissioner
And Designated Officer L Ward BMC & Ors.

..Respondents

Mr. Pradip Thorat a/w Sakshi Agarwal i/by Bipin Joshi, for the
Appellant.

Mr. R. Y. Sirsikar, for Respondent Nos.1 to 3/MCGM.

CORAM : SANDEEP V. MARNE, J.

DATE : 15th DECEMBER, 2023

PC.

1. This appeal is filed challenging the order dated 16th October, 2023 passed by the City Civil Court granting ad-interim protection of *status-quo* in respect of the suit structure.

2. Mr. Thorat, the learned counsel appearing for the Appellant would submit that grant of *status-quo* by the City Civil Court is coming in the way of carrying out redevelopment, which is affecting 240 other occupants. He would submit that the Plaintiff has filed another suit in this Court claiming ownership rights in respect of the land on which the structure is situated and that this Court has not granted injunctive relief in favour of the Plaintiff in

that suit. He would further submit that the Municipal Corporation has already measured the area of the suit structure and included the same in the area statement.

3. The learned counsel appearing for the original Plaintiff would submit that the arguments on the Notice of Motion have already been concluded and the Motion is posted for pronouncement of order on 6th January, 2024.

4. In that view of the matter, instead of determining the correctness of the order dated 16th October, 2023, it would be appropriate to request the learned Judge of the City Civil Court to pronounce order on Notice of Motion on the scheduled date of hearing on 6th January, 2024.

5. Accordingly, the Appeal is disposed of with a request to the City Civil Court to pronounce the order on Notice of Motion on 6th January, 2024 as scheduled. With the above observation, the Appeal is disposed of.

6. Pending Interim Application also stands disposed of.

7. Liberty to apply, in the event the order on the Notice of Motion is not pronounced on 6th January, 2024.

[SANDEEP V. MARNE, J.]