

IN THE HIGH COURT OF JUDICATURE AT BOMBAY

CIVIL APPELLATE JURISDICTION

(45) Appeal from Order No.85 of 2024

a/w

Interim Application No.1774 of 2024

in

Appeal from Order No.85 of 2024

Jayant B. Shah & Anr. ... Appellants.

Vs.

Pune Municipal Corporation & Ors. ... Respondents.

a/w

(46) Appeal from Order No.86 of 2024

a/w

Interim Application No.1775 of 2024

in

Appeal from Order No.86 of 2024

Pankaj Kumudchandra Shah Appellant.

Vs.

Pune Municipal Corporation & Ors. ... Respondents.

Mr Vishwajit P Sawant, Sr. Advocate with Mr Nikhil Patil with Prabhakar Jadhav for appellants.

Mr Abhijeet Kulkarni with Gaurav Shahane with Krushna Jaybhay and Sweta Shah for respondent/PMC.

Coram: R. N. Laddha, J.

Date : 20 February 2024.

P.C. :-

Heard the learned Counsel for the parties. The plaintiffs have filed the suits for declaration and injunction whereby they also moved applications for mandatory injunction. While the learned trial court by an impugned orders, both dated 28.11.2023, rejected the application of temporary injunction. The learned Counsel for the appellants inform the Court that the appellants have deposited the tax amount under protest and one of the suit premises is *de-sealed* by the corporation. The learned Counsel appearing on behalf of the respondent corporation, on instructions, makes a statement that if the tax amount is deposited as informed by the learned Counsel for the appellant the respondent corporation will de-seal other remaining suit premises without any further delay. In view of this, both the appeals are disposed of. In view of this, nothing survives in both the appeals and are disposed of accordingly.

2. It is made clear that this Court has not examined the merits of the matters and all contentions of the parties are left open.

3. The learned trial Court shall decide the suit/(s), pending before it, on its own merits, in accordance with the law, expeditiously.

[R. N. Laddha, J.]