

IN THE HIGH COURT OF JUDICATURE AT BOMBAY**CIVIL APPELLATE JURISDICTION****Appeal from Order No.282 of 2024****a/w****Interim Application No.7434 of 2024**

Nishikant Digambar Subhedar Appellant.

Vs.

MCGM & Anr. Respondents.

Ms Sunita D. Sonawane for appellant.

Ms Smita V. Tondwalkar for MCGM.

Mr JS Kini i/by Sapna Krishnappa for Intervenor.

Coram : R. N. Laddha, J.**Date : 4 April 2024.****P.C. :**

Heard learned counsel for the appellant and learned counsel for the Corporation.

2. The present appeal is filed challenging the order dated 15.03.2024, refusing ad-interim relief to the appellant/plaintiff in Notice of Motion No.437 of 2024 taken out by the plaintiff in Suit No.390 of 2024. The record shows that the notice of motion is still pending before the trial court and till date, no reply has been filed by the respondent/corporation. Considering the nature of dispute involved in the present appeal, instead of determining correctness

of the impugned order, it would be appropriate that the learned trial court considers and decides the notice of motion No.437 of 2024 in Suit No.390 of 2024 finally.

3. The respondent/corporation shall file its affidavit in reply to the notice of motion within three weeks from today in the learned trial court. The appellant/plaintiff shall file the rejoinder, if any, within one week thereafter with an advance copy to be served on the other side. The learned trial court is requested to expedite the hearing of the notice of motion. Until the notice is disposed of, the parties shall maintain the status-quo. In view of this, the appeal stands disposed of. As a sequel, the pending application, also stands disposed of.

[R. N. Laddha, J.]