

IN THE HIGH COURT OF JUDICATURE AT BOMBAY

CIVIL APPELLATE JURISDICTION

**APPEAL FROM ORDER NO.378 OF 2024
WITH
INTERIM APPLICATION NO.8685 OF 2024
IN
APPEAL FROM ORDER NO. 378 OF 2024**

Ranchod Narayan Chauhan ...Appellant/Applicant

vs.

Municipal Corporation of Greater
Mumbai And Anr.

...Respondents

....

Mr Pradeep Thorat, a/w. Mr Akhil Kupade and Ms Purna Pagare, i/b.
Vidnyan Daware, for the Appellant.

Ms Smita V Tondwalkar, for Respondent/BMC.

....

Coram : R.N. Laddha, J.

Date : 7 May 2024

P.C. :

. This appeal is listed today on account of a praceipe moved
by the learned Counsel appearing for the appellant for urgent listing.

2. Mr Pradeep Thorat, the learned Counsel appearing for the
appellant, submits that the respondent/Corporation is yet to file its reply
to the notice of motion. He made a grievance that the learned trial court
did not consider the contentions of the appellant and the documents in
its proper prospective, and refused ad-interim relief.

3. Ms Smita Tondwalkar, learned Counsel appearing for the respondent/Corporation, supports the line of reasoning adopted by the trial court.

4. Considering the nature of the dispute involved in the present appeal, instead of determining the correctness of the impugned order, it would be appropriate that the learned trial court consider and decide Notice of Motion No.1543 of 2024 in L.C. Suit No. 4847 of 2024, finally. The trial court, therefore, is directed to expedite the hearing of notice of motion and, till its disposal, the parties to maintain the *status-quo*. The learned Counsel for the respondent/Corporation states that the Corporation will file its reply to the notice of motion in the trial court within four weeks.

5. In view of this, the instant appeal stand disposed of. As a sequel, the interim application also stands disposed of. Needless to state that this Court has not examined the merits of the matter.

(R.N. LADDHA, J.)