

Shailaja

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

**APPEAL FROM ORDER NO.392 OF 2024
a/w
INTERIM APPLICATION NO.8976 OF 2024
IN
APPEAL FROM ORDER NO.392 OF 2024**

Mahendra Bhagchand Jain HUF and another	]	Petitioners
Vs.		
Municipal Corporation of Greater Mumbai	]	
and another	]	Respondents

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Mr. Shrey Fatterpekar a/w Mr. Shreyas Maheswari i/b White and Brief Advocates and Solicitors, for Appellants.

Ms. Seena Rawade, for Respondent No.1 – M.C.G.M.

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CORAM : PRITHVIRAJ K. CHAVAN, J.

DATE : 11th June, 2024.

P.C.

1. Learned Counsel for the appellants invites my attention to an order passed by this Court (Coram: R.N. Laddha, J.) on 8th May, 2024 in respect of identical appeal *qua* the same building wherein in paragraph 4, the Court observed thus;

“4. The present appeal is filed challenging the order dated 16 April, 2024, refusing ad-interim relief to the appellant/plaintiff in Notice of Motion No.1394 of 2024. 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 decides the notice of motion, finally. The learned trial Court, therefore, is requested to expedite the hearing of the notice of motion, and decide it on its own merits in accordance with the law expeditiously and as far as possible within eight weeks from the receipt of this order. Till then, the parties to maintain status-quo. This order of status-quo will not come in the way to apply for the regularization, which the appellant is intending to file”.

2. In view of the same, the appeal stands disposed of as well as pending applications, if any, also stand disposed of.
3. As already stated by this Court earlier, it is needless to say that this Court has not entered into the merits of the matter and all contentions of the parties are kept open.
4. Appeal stands disposed of in terms of the aforesaid observations.

[PRITHVIRAJ K. CHAVAN, J.]