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Uday S. Jagtap

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

APPEAL FROM ORDER NO. 401 OF 2024

Rafeeqe Kaniyattil and Ors.

.. Appellants

Vs.

Municipal Corporation of Greater
Mumbai & Ors.

.. Respondents

.....

Mr. Vishwanath Patil for the appellants

Ms. Seena Rawade for the respondent no.1 – MCGM

Mr. Prathamesh Kamat for the respondent no.3

Mr. Gauraj Shah a/w V.A. Joshi i/b M/s. Chitnis Vaithy and
Company for the respondent no.4

.....

CORAM : PRITHVIRAJ K. CHAVAN, J.

DATED : 19th JUNE, 2024.

P.C.

1. Heard.

2. By an order dated 10th May 2024, the trial Court refused ad-interim relief to the appellants *inter alia* directing the defendants to take inspection / measurement of the suit building as per their convenience and if necessary, MCGM is at liberty to take help of the police for the same.

3. Having heard learned Counsel for the parties, the appeal can be disposed of by passing the following order :-

ORDER

- (a) The parties shall appear before the trial Court on the fixed date.
 - (b) Upon appearance of the parties, the trial Court shall decide the application under Order 39 Rule 1 and 2 of the Code of Civil Procedure after giving due opportunity of hearing to the parties.
 - (c) The application shall be decided as expeditiously as possible, preferably within four weeks after the appearance of the parties.
 - (d) It is made clear that this Court has not expressed any opinion on the merits and demerits of the case.
 - (d) All contentions of the parties are kept open.
4. The Appeal from Order is disposed of in the aforesaid terms with no order as to costs.

(PRITHVIRAJ K. CHAVAN, J.)