

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

**APPEAL FROM ORDER NO. 448 OF 2024
WITH
INTERIM APPLICATION NO. 9525 OF 2024
IN
APPEAL FROM ORDER NO. 448 OF 2024**

Nikhil Dashrath Dabade

.... Appellant

V/s.

The Municipal Corporation of Greater
Mumbai

.... Respondent

Mr. P.J. Thorat a/w. Adv. J.S. Yadav i/b. Mr. B.S. Shukla for the Appellant.
Ms. Seena Rawade for the Respondent – MCGM.
Mr. Gopal Arde, Jr. Engineer, MCGM, present.

CORAM : SHYAM C. CHANDAK, J.

DATED : 04th OCTOBER, 2024

P.C. :-

. Heard learned counsel for the respective parties. Perused the Appeal memo and the Interim Application filed therein.

2) After hearing the Appeal for some time, learned Advocate for the Appellant made a statement that, if the Corporation files reply to the Draft Notice of Motion in L.C. Suit No.1039 of 2024 before the learned Judge, City Civil Court, Dindoshi, Borivali Division, Mumbai on the due date i.e., on 26th November 2024, he would not press this Appeal.

3) Learned counsel for the Respondent-Corporation made a statement that, the Respondent would file the reply to the Draft Notice of Motion on the given due date, with advance copy to the other side.

4) The aforesaid statements are accepted. The Appeal is liable to

be disposed of, accordingly. Hence, following Order :-

- (a) Appeal from Order No.448 of 2024 is disposed of.
 - (b) The Respondent – Corporation to file reply to the Draft Notice of Motion in L.C. Suit No.1039 of 2024 before the learned Judge, City Civil Court, Dindoshi, Borivali Division, Mumbai on the next date i.e., 26th November, 2024.
 - (c) It is made clear that, the aforesaid Appeal is not heard on merits. All contentions of the parties are left open for consideration on its own merits.
- 5) Appeal stands disposed of in above terms.
- 6) As a result, Interim Application No.9525 of 2024 does not survive and stands disposed of, accordingly.

**PREETI
HEERO
JAYANI**

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(SHYAM C. CHANDAK, J.)