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**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION
APPEAL FROM ORDER NO. 108 OF 2025
WITH
INTERIM APPLICATION NO. 1805 OF 2025**

Genni J. Maitri ... Appellant/Applicant

Vs.

MCGM ... Respondent

Mr. N. B. Shukle i/b. Mr. Bholaprasad S. Shukla for the Appellant/Applicant.

Mr. Om Suryavanshi for the Respondent – BMC.

Mr. Yogesh Kokani, SE (B & F), R/N – present.

CORAM : GAURI GODSE, J.

DATE : 18th FEBRUARY 2025

ORDER :

1. This appeal is preferred by the plaintiff to challenge rejection of the ad-interim relief. Learned counsel for the appellant submits that the reply to the motion and rejoinder alongwith all the documents were already before the learned Judge. He however submits that ad-interim protection of status quo granted to the plaintiff by order dated 30th January 2025 was extended till 18th February 2025. However, he submits that by the impugned order dated 30th January 2025 the ad-interim relief in the motion is rejected.

2. Learned counsel appearing for the corporation does not dispute the aforesaid submissions. He on instructions submits that the motion shall be argued by the corporation on the next date i.e. 3rd March 2025.

3. Learned counsel for the appellant submits that the plaintiff would not ask for any adjournment and the motion will be argued on the next date. In view of the aforesaid, I see no reason why the earlier protection granted and extended till 18th February 2025 should not continue during the pendency of the Notice of Motion No. 317 of 2025.

4. Any reasons recorded by this court on the merits of the rival contentions at this stage, is likely to cause prejudice to the contentions of the parties on merits of the notice of motion. Hence, appeal from order is disposed of by consent of the parties, by passing the following order :

(i) Protection granted to the plaintiff as per order dated 30th January 2025 and further extended till 18th February 2025 shall continue to operate during the pendency of the Notice of Motion No. 317 of 2025.

(ii) It is clarified that unnecessary adjournments shall not

be granted to the parties. All rival contentions of the parties on merits are kept open.

(iii) The notice of motion shall be decided on its own merits uninfluenced by the observation in the impugned order or any observation in this order.

5. Appeal from order is disposed of in the above terms.

6. In view of the disposal of the appeal, interim application is disposed of as infructuous.

[GAURI GODSE, J.]