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IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION

APPEAL FROM ORDER NO. 268 OF 2024
WITH
INTERIM APPLICATION NO.7275 OF 2024
IN
APPEAL FROM ORDER NO. 268 OF 2024

Mr. Sharad Shripati Nalawade ...Appellant
Versus
Municipal Corporation Of Greater Mumbai
Thr. Administrative Officer,(estate Dept.) ...RespondentE

Mr. Suresh Sabrad a/w. Mr. Amey Sawant a/w. Ms. Neha Parte,
a/w. mr. Pratik Sabrad a/w. Ms. Eshwaree Kudalkar i/b
Mr. Suraj Kudalkar, for Appellant.
Ms. Smita V. Tondwalkar i/b. Ms. Komal Punjabi for Respondent.

CORAM: AARTI SATHE, J.

DATE: 13 OCTOBER 2026

P.C.

1. The present Appeal from Order has been preferred under Order XLIII Rule 1(r) of the Code of Civil Procedure, 1908, challenging the order dated 21st December 2023 passed by the Bombay City Civil Court at Bombay (hereinafter referred to as the "Trial Court"), whereby Notice of Motion No. 2171 of 2019 in L.C.Suit No. 1359 of 2019 came to be dismissed and the interim relief sought by the Appellant, including the relief of temporary injunction, was declined.

2. Learned counsel appearing on behalf of the Appellant submits that interim relief was granted in favour of the Appellant by an order dated 13th June 2019, passed by the Trial Court which continued to operate for a period of nearly four years. However, the said interim protection ceased thereafter, and no further interim relief has been granted in favour of the Appellant.

3. Learned counsel on behalf of the Appellant further submits that the Trial Court failed to take into consideration the documents placed on record to establish the Appellant's possession of the suit premises. It is also contended that the mandate of Section 105B of the Mumbai Municipal Corporation Act, 1888 ("MMC Act"), has not been complied with in the present case.

4. *Per contra*, learned counsel appearing on behalf of the Respondent Corporation has vehemently opposed the reliefs sought in the present Appeal from Order as well as in the interim application preferred by the Appellant, whereby the Appellant seeks continuation of the interim relief granted by the Trial Court on 13th June 2019, which ceased to operate in the year 2023.

5. Learned counsel for the Respondent Corporation submits that the Appellant is not in possession of the suit premises and that the documents relied upon by the Appellant are false and fabricated. In support of the aforesaid submissions, she seeks to place reliance upon the affidavit dated 19th May 2023, filed by the Administrative Officer, M East Ward, Deonar, Mumbai .

6. Learned counsel appearing on behalf of the Appellant, in response, submits that the suit is pending before the Trial Court and is presently at the stage of

recording evidence, upon completion of which the matter will be taken up for hearing.

7. Having considered the submissions advanced by the learned counsel appearing on behalf of the parties, this Court is of the view that, without delving into the merits of the matter and considering that the suit has been pending since the year 2019, the Trial Court shall endeavour to dispose of the suit as expeditiously as possible, preferably within a period of two months from the date of this order.

8. All contentions of the parties are expressly kept open.

9. It is clarified that this Court has neither examined the merits of the present Appeal from Order nor expressed any prima facie opinion or rendered any findings on the issues arising therein. The Trial Court shall independently adjudicate the suit on its own merits and in accordance with law, uninfluenced by any observations made in the present order.

10. It is further clarified that the issue of possession of the suit premises shall be determined by the Trial Court in accordance with law, and shall remain subject to the outcome of the proceedings in the suit.

11. The Appeal from Order stands disposed of in the aforesaid terms.No costs.

12. All pending interim applications, if any, also stand disposed of.

(AARTI SATHE, J.)