IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION

APPEAL FROM ORDER NO.502 OF 2021

Dashrath Atmaram Chavan,
R/o.Room No.306, Building no.8,
Milan Co-op.Hsg.Soc.ltd, MMRDA Colony,
Ram Mandir Road, Goregaon (W),
Mumbai-104. Appellant

versus

1. Deputy Collector (Enc & CA), Andheri,
office at Bandra (East), Mumbai.
2. Mumbai Metropolitan Regional Development
Authority, office at Bandra (East), Mumbai. Respondents

Mr.Sunit Kate i/by Dr.Uday Warunjikar for Appellant.

Mr.R.s.Tendulkar, AGP, for Respondent-State.

Mr.Afsar Ansari i/by Mr.Ajay Khaire for Respondent no.2.

CORAM : AARTI SATHE, J.

DATE : 9th October 2026

P.C.

1. This Appeal from Order has been filed under Order XLIII Rule 1(r) read with Section 104 of Code of Civil Procedure, 1908 (`CPC') being aggrieved by the order passed by City Civil Court, Borivali, Dindoshi, Mumbai (`Trial Court') dated 2nd December 2021. By way of the aforesaid order, the Trial Court rejected the ad-interim relief in the said Notice of Motion. The Trial Court also by the impugned order rejected Notice of Motion No.825 of 2013 and on the same day, an interim protection was granted for two weeks to the Appellant. A co-ordinate Bench of this Court by order dated 18th February 2022 has stayed the operation of

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notice/order dated 21st January 2012 which has been impugned in the suit proceedings which has culminated into passing the impugned order dated 2nd December 2021.

2. Learned counsel for the Appellant submits that the suit has proceeded and is at the stage of recording evidence. This Court is, therefore, of the view that since the suit has progressed at the stage of of evidence and final hearing thereon would take place post recording of evidence, without delving into the merits of the matter and without forming a prima facie view in respect of the dispute in the present Appeal from Order, this Court is of the view that the Trial Court shall decide the pending suit as expeditiously as possible and preferably within a period of nine months from the date of uploading of this order.

3. The parties shall not seek adjournments at the trial of the suit. All contentions of the parties are expressly kept open.

4. Needless to clarify that this Court has not expressed any opinion or given any finding in respect of challenge in the present Appeal from Order and the Trial Court shall dispose of the suit independently and in accordance of law.

5. Appeal from Order is disposed of in the aforesaid terms. No costs. Interim Application, if any, also stands disposed of.

6. As this Court has by its order dated 18th February 2022 granted stay to the notice/order dated 21st January 2012, the said protection is continued till final disposal of the suit.

(AARTI SATHE, J.)