

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION
APPEAL FROM ORDER NO. 359 OF 2007

Liyaqat Ali . . . Appellant

vs.

The Brihanmumbai Mahanagarpalika . . . Respondent

Mr. Pandey i/b Mr. Dhananjay Shukla for the Appellant
Ms Geeta Jogalekar for the Respondent.

CORAM: A.S.OKA, J.
DATE : APRIL 30, 2007.

P.C.:

1. By this Appeal, the Appellant-Plaintiff takes exception to the order dated 29th March 2007 passed by the trial Court by which a prayer for ad-interim relief was rejected.

2. The Respondent-Corporation issued a notice under section 314 of Mumbai Municipal Corporation Act, 1888 to which a reply was filed by the Appellant within a period of 24 hours from the receipt of the notice. In view of a decision of this Court, the Assistant of Commissioner of the Respondent-Corporation has considered the reply and has now passed an order on 23rd April 2007. It is not in dispute that the Appellant was served with the said order.

3. The learned Advocate for the Appellant seeks time to take out appropriate proceedings before the Trial Court in the pending suit for challenging the order dated 23rd April 2007.

4. It will be open for the Appellant to take out appropriate proceedings before the Trial Court for challenging the order dated 23rd April 2007. To enable the Appellant to do so, a limited protection will have to be granted.

5. Hence, Appeal is disposed of by passing the following order :

- i) Liberty is granted to the Appellant to take out appropriate proceedings for challenging the order dated 23rd April 2007.
- ii) To enable the Appellant to take out appropriate proceedings, both the parties will maintain status quo as of today in respect of the suit structure in all respects till 15th May 2007.
- iii) All contentions of the parties on merits of the pending suit are expressly kept open.
- iv) Appeal is disposed of in above terms with no order as to costs.

JUDGE