

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

**CIVIL APPLICATION NO. 1062 OF 2015  
IN  
FIRST APPEAL NO. 378 OF 2015**

M/s. Modi Motors Agencies Pvt. Ltd. .... Applicant  
V/s.  
The Municipal Corporation of Greater Mumbai ... Respondent  
.....

Mr. J. Ries, Senior Advocate i/b Mr. J.J. Shah for Applicant.  
Mrs. Sheeta Mane for Respondent- B.M.C.

**CORAM : K.K.Tated, J.**  
**DATE : 30<sup>th</sup> September, 2019**

**P.C. :**

1. Heard learned Senior Counsel Mr. J. Ries for the applicant and Mrs. Sheeta Mane for Respondents.
2. Leave to amend prayer clause during the course of day.
3. By this Civil Application, applicant/original plaintiff is seeking to stay the operation and implementation of the impugned Judgment and Decree dated 2<sup>nd</sup> February, 2015 passed by City Civil Court, Borivali Division, (Dingoshi) Mumbai in L.C. Suit No. 1599 of 2008 and also directing the respondent-Corporation to maintain status quo in respect of the suit structure.
4. The learned Senior Counsel for the applicant submit that, this Court (Coram : Justice C.V. Bhadang) by an order dated 15<sup>th</sup> January,

2016 continued the interim protection granted by the Trial Court.

5. Considering the Submissions made by the learned Senior Counsel for the applicant and averment made in Civil Application and the First Appeal is admitted by this Court, I am satisfied that the applicant has made out a case for allowing this Civil Application in terms of prayer clause 'a1' which reads thus; :

- A) *“(a1) Pending hearing and final disposal of First Appeal, Respondent be directed to maintain status quo in respect of Suit Structures.*
- B) Civil Application stands disposed of accordingly.
- C) No order as to costs.

**(K.K.Tated, J.)**