



Ajay

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

**APPEAL FROM ORDER (ST) NO. 14204 OF 2026
WITH
INTERIM APPLICATION (ST) NO. 14206 OF 2026
IN
APPEAL FROM ORDER (ST) NO. 14204 OF 2026**

Sanjay Bodairam Gupta @
Sanjay Phoolchand Gupta

Appellant /
.. Plaintiff

Versus

Municipal Corporation of Greater Mumbai and
Ors.

Respondents /
.. Orig. Defendants

-
- Ms. Suchita Pandey, Advocate i/by M/s. Pandey & Co. for Applicant / Appellant.

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CORAM : MILIND N. JADHAV, J.

DATE : MAY 08, 2026.

P.C.:

- 1.** Not on Board. Mentioned by way of filing praecipe dated 08.05.2026. Perused the praecipe.
- 2.** Heard Ms. Pandey, learned Advocate for Appellant.
- 3.** Ms. Pandey draws my attention to the order dated 05.05.2026 appended at page No.66 of the Appeal From Order. When the order is read by me after the matter is argued by the learned Advocate, it is seen that the said order is an ad-interim order and it does not give any reasons whatsoever. Notice of Motion is pending before Trial Court.



4. Anyway the learned Advocate has been gracious enough to conduct the matter on facts and has persuaded me to take it up for hearing and disposal forthwith.

5. In view of the facts and circumstances of the present case, no fruitful purpose will be served by keeping the present Appeal From Order pending in this Court for the above reason. Appropriate course of action will be to direct the learned Trial Court to decide the Notice of Motion finally after the parties complete their pleadings in the said case.

6. Though notice is issued by the learned Trial Court on 06.05.2026 which is just two days ago, Defendants are directed to file their Affidavit-in-Reply to the Notice of Motion within a period of six weeks from today before the Trial Court.

7. Copy of this order and proceeding shall be forthwith served on to the Defendants by the Advocate for Appellant. Rejoinder is permitted to be filed by the Plaintiff on merits within a period of two weeks thereafter before the Trial Court.

8. Learned Trial Court is thereafter directed to dispose of the Notice of Motion finally in accordance with law after hearing both the parties i.e. Plaintiff and Defendants and passed a reasoned speaking order thereof according to its convenience.



- 9.** All contentions of Plaintiff and Defendants are expressly kept open without this Court giving any imprimatur on merits of the matter.
- 10.** Needless to state that Defendants namely Municipal Corporation duly represented by Mr. Vajale as also the Dairy Department of the State shall not take any coercive steps against the Aarey Stall of the Plaintiff until the Notice of Motion is decided finally by the learned Trial Court.
- 11.** In the event if the said order in the Notice of Motion is adverse to the Plaintiff, the same shall stand stayed for a further period of four weeks thereafter to enable the Plaintiff to take recourse to law.
- 12.** All contentions of the parties are expressly kept open.
- 13.** Appeal From Order is disposed. Pending Interim Application is also disposed in view of the above order.

[MILIND N. JADHAV, J.]

Ajay

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by AJAY
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