

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

INTERIM APPLICATION NO.15112 OF 2024

IN

FIRST APPEAL NO.1862 OF 2024

Mohan K. Shetty ... Applicant

In the matter between

Mohan K. Shetty ... Appellant

V/s.

Lalitha Vasu Shetty & Ors. ... Respondents

Mr. Girish Godbole i/by Rajesh Dixit for the Applicant/Appellant.

Mr. Mayur V. F. h/f Ajit S. for Respondent No.1.

Ms. Vidya Vyavahare for Respondent No.8-BMC.

CORAM : ARIF S. DOCTOR, J.

DATE : 27TH NOVEMBER 2024

P.C. :

1. This is a First Appeal arising out of an order dated 27th September 2024 passed by the City Civil Court, Dindoshi in L. C. Suit No.2871 of 2013, by which the Suit was decreed in favour of the Respondents. The Appellant was Defendant No.1 to the Suit and has thus filed the present First Appeal.

2. Mr. Godbole, Learned Counsel appearing on behalf of the Applicant/Appellant points out that by the Impugned Order, the Applicant/Appellant was *inter alia* granted a period of two months (i) to hand over quiet and vacant possession of the suit premises, i.e., Shop No.3, situated at 547(80) Bazar Road, Bandra (West), Mumbai 400 050 along with the hotel business known as 'Shree Laxmi Vishranti Graha' and (ii) to hand over all licenses issued by the Municipal Corporation, Greater Mumbai in the name of the Applicant/Appellant in respect of the said hotel business. He submits that the First Appeal has been listed for admission on 6th December 2024 and thus presses for interim stay of the said decree and order.

3. Learned Counsel appearing on behalf of Respondent No. 1 today submits that no proceedings for execution have been initiated and thus the need for grant of urgent ad interim relief or stay does not arise.

4. To this, Mr. Godbole submits that the apprehension is that the Corporation shall cancel the licenses in the name of the Applicant/Appellant since the period of two months has now come to an end.

5. Thus, I make it clear that until the next date of listing, the Respondent-Corporation shall not take any precipitative steps to cancel the said licenses.

6. Stand over to 6th December 2024 for hearing.

7. In the event any proceedings for execution are taken out, notice of the same shall be given to the Applicant/Appellant.

(ARIF S. DOCTOR, J.)