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

**APPEAL FROM ORDER NO. 660 OF 2015
WITH
CIVIL APPLICATION NO. 809 OF 2015
IN
APPEAL FROM ORDER NO. 660 OF 2015**

Ali Ahmed R. Qureshi & Ors. ...Appellants/Orig.Pltfes.
Vs.
M.C.G.M. & Anr. ...Respondents/Orig.Defdts

None present for the Appellant
Mr. N.V. Walavalkar a/w. Mr. A.V. Diwate for
Respondent No.1 BMC

**CORAM : MRS. ROSHAN DALVI, J.
DATED : 26TH OCTOBER, 2015**

P.C. :

Rule. Returnable forthwith.

1. The appellants have challenged the order of the Bombay City Civil Court dated 30th March, 2015 rejecting their notice of motion and vacating the ad-interim relief. The parties have been directed to maintain status-quo in this appeal since 16th April, 2015, thereafter extended on 18th June, 2015 until the next date of hearing. The status-quo order is not shown to have been extended thereafter. The appeal however did not reach hearing. The respondents have sought to have it heard. Hence the respondents applied to this Court on 19th October, 2015 for expeditious hearing. The respondent was directed to give notice of the fixed date of

hearing. The respondent has issued notice by speed post as also courier to the appellants directing them to appear on the next date of hearing which was on 23rd August, 2015. Thereafter the appeal appeared on board but had not reached hearing. When it reached hearing the appellant and Advocate are absent despite specific notice.

2. Counsel on behalf of the respondent has drawn attention of this Court to the fact that a repair permission was granted by MHADA to the appellants to repair their structure that was ground plus one upper floor structure. Repair permission, as required, specified that the permission of the building authority would require to be obtained. No such permission is obtained. In the guise of the repair permission a new building of ground plus 4 upper floors are shown to be constructed. Photographs of the building are produced. The building is adjacent to other buildings in the locality. The building has been constructed without sanctioned plan. The notice was issued for the suit structure under Section 354A of the MMC Act. Despite notice the construction is stated to have continued. Such a party is seen to be defiant of the law. Such a party would not deserve protection of the law. The appellants have not shown any infirmity in the impugned order. The appeal is, therefore, dismissed.
3. Interim applications, if any, are disposed off accordingly.

(ROSHAN DALVI, J.)

CERTIFICATE

**Certified to be true and correct copy of the original signed
Judgment /order.**