

**FARAD CONTINUATION SHEET  
IN THE HIGH COURT OF JUDICATURE AT BOMBAY.  
CIVIL APPELLATE JURISDICTION.**

**APPEAL FROM ORDER NO. 621 OF 2015  
WITH  
CIVIL APPLICATION NO. 766 OF 2015**

|                                                   |                 |
|---------------------------------------------------|-----------------|
| Amrish Rashiklal Shah                             | ... Appellant   |
| V/s.                                              |                 |
| The Municipal Corporation of Gr.<br>Mumbai & Ors. | ... Respondents |

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Mr. S. A. Sawant with Abhishek Deshmukh for the appellant.  
Mrs. M. R. Bhoir for the respondent/Corporation.

**CORAM : K. K. TATED, J.  
DATED : 29/07/2015.**

**PC.:**

. Heard learned Counsel for the parties.

2 This Appeal from Order is preferred by plaintiff challenging the order dated 24.03.2015 passed by Bombay City Civil Court at Bombay in Notice of Motion no. 1469 of 2012 dismissing the said motion.

3 The learned Counsel for the appellant submits that in the present proceeding, the respondent corporation issued notice under Section 354(A) of M.M.C. Act dated 14.07.2012. He submits that they immediately replied the said notice by the letter dated 19.07.2012 and pointed out to the Corporation that they submitted the repairs plan through their Architect to the Corporation on 27.07.2011.

4 The learned Counsel for the appellant submits that as on today, they stopped the construction work as per notice issued by the Corporation. He submits that the appellant is ready and willing to make the appropriate application to the Corporation for carrying out repairs according to law. He further submits that the appellant till the decision of the application for repairs will maintain status quo in respect of suit property. To that effect, the appellant has filed additional affidavit-cum-undertaking dated 28.07.2015. The same is taken on record and marked 'X' for its identification.

5 At the request of learned Counsel for the appellant, the Appeal from Order is disposed of as under :

a) Liberty granted to the appellant to file an appropriate application for carrying out appropriate repairs in respect of suit property within two weeks from today to the Corporation.

b) If appropriate application is filed by the appellant for carrying out appropriate repairs in respect of the suit property within stipulated time as stated herein above, the Corporation is directed to consider the same on its own merits and decide within 10 weeks from today and communicate the order in writing to the appellant or their Advocate.

c) If order goes against the appellant, parties are directed to maintain status quo for two weeks from the date of

communication of the order.

d) If application for repair work is not filed within stipulated time as stated herein above, the respondent corporation are free to take appropriate action against the appellant according to law.

e) Appeal from Order as well as Civil Application stands dismissed as withdrawn.

f) No order as to costs.

**(K.K.TATED, J.)**