

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

**APPEAL FROM ORDER (ST) NO.14710 OF 2015
WITH
CIVIL APPLICATION NO.14712 OF 2015**

Office Notes, Office Memoranda of Coram, appearances, Court's orders or directions and Registrar's orders	Court's or Judge's orders.
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Mr.Diwakar A. Dwivedi for the appellant

Mr.Simil Purohit with Mr.Tushar Goradia with
Mr.Kalpesh Mehta i/b M/s.Pravin Mehta and
Mithi and Co. for the respondent no.1

Mr.A.Y.Sakhare, Sr.Counsel with
Mr.S.K.Sonavane with Mr.A.K.Nandanwar for
the BMC

CORAM : K.K.TATED, J.
DATED : 09/06/2015

PC:

- 1 Heard the learned counsel for the parties.
- 2 This Appeal from Order is preferred by plaintiff challenging the order dated 9.5.2015 passed by Bombay City Civil Court, Mumbai in draft Notice of Motion in L.C.Suit No.1296 of 2015 declining to grant ad-interim relief.
- 3 The main dispute in the present proceeding is about the area. It is the case of the Corporation that the plaintiffs extended their structure from 147 sq.ft. to 341 sq.ft.i.e. extension area is 194.

Appellant failed to produce any document to show the exact area of the suit premises. The Trial Court has considered all the documents placed on record by the plaintiffs. Not a single document shows that the area of the authorised suit structure is about 341 sq.ft.

4 Considering these facts, documents on record and the reasons recorded by the Trial Court in order, I do not find any reason to entertain the present Appeal from Order.

5 Appeal from Order is rejected.

6 The learned counsel for the appellants seeks extension of status quo order passed by this court for some time to approach the Apex Court.

7 The learned counsel for both the respondents vehemently opposed the same. They submit that the Trial Court has considered all the documents on record. They submit that the plaintiffs failed to place on record any document to show that they were in possession of authorised 341 sq.ft. area.

8 Considering these facts, I do not find any reason to extend the status quo order passed by this court. Hence, request made by the Advocate for appellant is declined.

9 Civil application stands disposed in view of dismissal of Appeal from Order.

(K.K.TATED, J.)