

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION

FIRST APPEAL NO.686 OF 2015
WITH
CIVIL APPLICATION NO.2090 OF 2015

Bhuvendra Narayan Shetty	... Appellant
vs.	
The Municipal Corporation of Greater Mumbai	... Respondent

Mr. P.J. Thorat i/b. Mr. Jagdish Chowal, for the Appellant.
Mr. N.V. Walawalkar, Senior Advocate a/w. Mrs. Mamta Bhoir, for the
Respondent-BMC.

CORAM: **MRS.MRIDULA BHATKAR, J.**

DATE: **16th DECEMBER, 2015**

P.C.:

. In this Appeal the judgment and order dated 27th March, 2015 passed by the learned Judge, City Civil Court, Greater Mumbai thereby dismissing the suit of the Plaintiff/Appellant is challenged.

2. The Respondent-Corporation has given notice under Section 351 of the M.M.C. Act on 19th June, 1981 in respect of the suit property. At the time of hearing of this Appeal, it is found that the concerned officer of Corporation however has not passed any order. The learned counsel for the Corporation submits that on the basis of this impugned

notice dated 19th June, 1981 the Appellant will be given an opportunity of hearing and order will be passed by the concerned officer of the Corporation and thus the Corporation will follow due process of law.

3. Accordingly, the Civil Application stands disposed of.

4. The Appellant has stepped in the shoes of his landlord. The impugned notice was found in the name of Smt. Shantaben Chaganlal Jariwala who was the previous landlord of Appellant/tenant. For the purpose of said notice, the Appellant has stepped in the shoes of the occupant of the said premises.

5. The Appellant to submit his reply or documents on or before 20th January, 2016 and then the concerned officer of the Corporation shall pass the order within two months. Till then the Corporation shall not take any action in respect of the suit premises.

(MRS.MRIDULA BHATKAR, J.)