

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

**CIVIL APPICATION NO.1007 OF 2013
IN
SECOND APPEAL NO.423 OF 2013**

Smt. Shailaja R. Gajare & Ors. .. Applicants

IN THE MATTER OF:

Smt. Shailaja R. Gajare & Ors. .. Appellants

Versus

Nashik Municipal Corporation, Nashik
& Anr. .. Respondents

.....

Mr. Mayur Khandeparkar i/b. M/s. Vikas Salvi & Associates, Advocate
for the Applicants.
Ms. Chaitali Deshmukh, Advocate for the Respondents.

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CORAM : R. K. DESHPANDE, J.

DATED : JUNE 26, 2015.

P.C.

Heard the learned counsel appearing for the parties.
The learned counsel appearing for the applicants seeks stay of the
notice dated 5th October, 1993, issued by the Corporation under
Section 267 and 478 of the BPMC Act, 1949. By this notice the
corporation has asked the appellants to stop the running of hotel

business in the basement area of the building. According to the learned counsel for the appellants/applicants, the hostel business is being carried out on the first floor of the building.

2 In view of this factual position, if it is found that the hotel business is being run in the basement area, the respondents shall be at liberty to proceed further to execute the notice. If it is found that it is on the first floor, the notice shall be withdrawn. Civil Application stands dismissed.

JUDGE