

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

**CIVIL APPLICATION NO. 2075 OF 2012
IN
FIRST APPEAL NO. 1021 OF 2012**

Office Notes, Office Memoranda of Coram, Appearances, court's orders or directions and Registrar's orders	Court's or Judge's orders
---	---------------------------

Mr. Prakash Jadhav i/b V.P. Sawant for the applicant.
Mrs. M.R. Bhoir for the respondent no.1 BMC.

**CORAM : K. K. TATED, J.
DATED : 18/02/2015.**

P.C.:

. Heard learned Counsel for the parties.

2 This Application is preferred by the original plaintiff for an order of injunction restraining respondent corporation from acting on a notice dated 28.08.1990 issued under Section 351 of M.M.C. Act and order dated 05.04.1995 passed by the Deputy Municipal Commissioner in respect of suit shop no. 12, Dagina Bazar, Mumbadevi, Mumbai – 400 002.

3 The learned counsel for the applicant submits that First Appeal is already admitted and this Court granted ad-interim relief. He further submits that several other matters are admitted by this court on same issues and those are pending for final disposal.

4 The learned counsel for the respondent corporation vehemently opposed the present Civil Application. She submits that in the present proceeding, Corporation has issued noticed under Section 351 of M.M.C. Act in respect of unauthorised constructions carried out by the applicant. Therefore, there is no question of granting any stay.

5 Considering the submissions made by the learned counsel for the Applicant, the averments made in the Application and as the First Appeal is admitted by this court, I am satisfied that ad-interim relief granted by this court on 05.10.2012 to continue till the hearing and final disposal of the First Appeal.

6 Hence, the following order:

- a) Civil Application is allowed.
- b) Ad-interim order passed by this court on 05.10.2012 to continue till the hearing and final disposal of the First Appeal.
- c) Applicant plaintiff restrained by an order of injunction from creating any third party right, title and interest in respect of the suit property till the hearing and final disposal of First Appeal.
- d) Civil application stands disposed off accordingly.

(K.K.TATED, J.)