

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

APPEAL FROM ORDER (ST) NO.21432/2015
WITH
CIVIL APPLICATION (ST) NO.21433/2015

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. Shrishail Sakhare a/w. K. R. Yadav for the Appellant
Mr. A. V. Divate for the Respondent.

CORAM : K. K. TATED, J.
DATE : AUGUST 10, 2015

P.C.:

1. Mentioned. Not on board. At the request of learned counsel for the Appellant the matter is taken on board for urgent orders.

2. By this appeal, the Appellant original Plaintiff challenges the order dated 01/08/2015 passed by the Bombay City Civil Court, Mumbai in draft Notice of Motion in L.C.Suit No.2056/2015 declining to grant ad-interim relief.

3. In the present proceedings the Respondent Corporation issued notice under section 351 of the Mumbai Municipal Corporation Act, 1888 dated 10/06/2014 calling upon the Appellant to remove

unauthorised vertical extension to existing structure made up of B.M.walls, M.S. Grille & A.C.Sheet roofing etc.

4. The learned counsel for the Appellant submits that as per their contention, the alleged unauthorised construction is mezzanine floor and not first floor as claimed by the Respondent Corporation. He further submits that he received instructions from his client to withdraw the Appeal from Order and to file an Application before the Corporation for authorization of suit structure. Hence, following order is passed:

a. Appeal from Order as well as Civil Application stand dismissed as withdrawn.

b. Liberty granted to the Appellant to file an appropriate Application before the Respondent Corporation for regularization of the suit structure within 2 weeks from today.

c. The Respondent Corporation is directed to decide the said Application if it is filed within stipulated time as stated herein above, within 4 weeks thereafter.

d. Till decision on the said Application as well as communication of the order to the Appellant Plaintiff, the parties are directed to maintain status quo as on today.

e. If the order passed by the Respondent Corporation goes against the Appellant, it shall not be acted upon for one week from the date of communication.

JUDGE