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IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION

CIVIL APPLICATION NO.1575 OF 2015
IN
APPEAL NO.75 OF 2015

Mohammed Ismail Gulam Shaikh ...Applicant
V/s.
Municipal Corpn. Of Gr.Mumbai & Anr. ...Respondents

Mr.D.H. Mehta with Mr.C.R. Mishra i/b Mr.P.R. Yadav for the Applicant.
Mr.A.V. Diwate for the Respondent No.1 – B.M.C.
Mr.Alok Bagla i/b Bagla & Associates for the Applicant in C.A. No.1334 of 2015.

CORAM : R.D. DHANUKA, J.
DATE : 23RD DECEMBER, 2015.

P.C. :-

1. By this civil application, the applicant seeks recall of the order dated 8th December, 2015 insofar as vacation of the *status-quo* order passed by this Court is concerned. Heard learned counsel appearing for the applicant and the respondents. Mr.Mehta, learned counsel for the applicant states that the applicant has now already engaged another advocate, who has already filed his Vakalatnama and undertakes to pursue Appeal From Order No.75 of 2015 as and when the same is on board and will not seek any unnecessary adjournment. Learned counsel on instructions from Mr.Yadav, the learned advocate on record, further states that the structure, which

was in existence on the date of *status-quo* order passed by this Court, is in existence and neither any changes are made nor his client has violated the said order of status-quo granted by this Court. The submission made by Mr.Mehta, learned counsel for the applicant that his client has not violated the *status-quo* order passed by this Court or that the said structure is in existence, is disputed by the learned counsel for the Municipal Corporation. The statement of learned counsel for the applicant as well of the respondent is accepted.

2. For the reasons recorded in the civil application, the order passed by this Court on 8th December, 2015 thereby vacating the status-quo order granted by this Court on 6th January, 2015 is recalled. The order dated 6th January, 2015 passed by this Court granting status-quo is restored. Both the parties are directed not to carry out any construction and / or demolish the suit structure respectively in view of the status-quo order passed by this Court till next date.

3. Place Civil Application No.1334 of 2015 with Appeal from Order No.75 of 2015 on 11th January, 2016 for admission.

4. Civil Application No.1575 of 2015 is disposed of in aforesaid terms. No order as to costs.

(R.D. DHANUKA, J.)