

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
ORDINARY ORIGINAL CIVIL JURISDICTION
WRIT PETITION NO.42 OF 2014
WITH
NOTICE OF MOTION NO.90 OF 2015**

Pratap Mehta and Ors. ...Petitioners.
V/s.
The Municipal Corporation of Greater
Mumbai & Ors. ...Respondents.

Mr. K. K. Holambe Patil for the Petitioners.
Mr. S. S. Pakale with Ms. Shobha Ajitkumar for Respondent No.1.
Mr. Jahangir Altaf Khan for Respondent No.3.

**CORAM : A.S.OKA &
G. S. PATEL,JJ.
DATE : 20th NOVEMBER, 2015**

P.C.:

- . Heard the learned counsel appearing for the parties.
2. There are conflicting opinions on record as regards the structural status of the building subject matter of this petition. Therefore, appropriate remedy for the petitioner is to approach the Civil Court for appropriate relief.
3. We, accordingly, dispose of the petition by granting liberty to the petitioners to approach the Civil Court. Ad-interim relief granted by this Court will continue to operate for a period of 4 weeks from today.
4. All contentions of the parties on merits are kept open.
5. In view of disposal of the petition, the pending notice of motion does not survive and the same is disposed of.

(G. S. PATEL, J.)

(A. S. OKA, J.)