

***IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION
APPEAL FROM ORDER NO.353 OF 2015
WITH
CIVIL APPLICATION NO.453 OF 2015
IN
APPEAL FROM ORDER NO.353 OF 2015***

Municipal Corporation of Greater
Mumbai ..Appellant

Vs.

Mulchand Ramadhar Yadav & Anr. ..Respondents

***WITH
APPEAL FROM ORDER NO.372 OF 2015
WITH
CIVIL APPLICATION NO.483 OF 2015
IN
APPEAL FROM ORDER NO.372 OF 2015***

Municipal Corporation of Greater
Mumbai ..Appellant

Vs.

Jilodhar Bechan Yadav & Anr. ..Respondents

***WITH
APPEAL FROM ORDER NO.376 OF 2015
WITH
CIVIL APPLICATION NO.487 OF 2015
IN
APPEAL FROM ORDER NO.376 OF 2015***

Municipal Corporation of Greater
Mumbai ..Appellant

Vs.

Mulchand Ramadhar Yadav & Anr. ..Respondents

WITH
APPEAL FROM ORDER NO.377 OF 2015
WITH
CIVIL APPLICATION NO.488 OF 2015
IN
APPEAL FROM ORDER NO.377 OF 2015

Municipal Corporation of Greater
Mumbai

..Appellant

Vs.

Smt. Krishnavati Ramanand Rajbhar
& Anr.

..Respondents

WITH
APPEAL FROM ORDER NO.378 OF 2015
WITH
CIVIL APPLICATION NO.489 OF 2015
IN
APPEAL FROM ORDER NO.378 OF 2015

Municipal Corporation of Greater
Mumbai

..Appellant

Vs.

Dayashankar Mulchand Yadav & Anr.

..Respondents

WITH
APPEAL FROM ORDER NO.785 OF 2015
WITH
CIVIL APPLICATION NO.950 OF 2015
IN
APPEAL FROM ORDER NO.785 OF 2015

Municipal Corporation of Greater
Mumbai

..Appellant

Vs.

Hiralal Mangru Yadav & Anr.

..Respondents

WITH
APPEAL FROM ORDER NO.787 OF 2015
WITH
CIVIL APPLICATION NO.952 OF 2015
IN
APPEAL FROM ORDER NO.787 OF 2015

Municipal Corporation of Greater
Mumbai ..Appellant

Vs.

Jawaharlal Mangru Yadav & Anr. ..Respondents

WITH
APPEAL FROM ORDER NO.788 OF 2015
WITH
CIVIL APPLICATION NO.953 OF 2015
IN
APPEAL FROM ORDER NO.788 OF 2015

Municipal Corporation of Greater
Mumbai ..Appellant

Vs.

Surinder Jilodhar Yadav & Anr. ..Respondents

WITH
APPEAL FROM ORDER NO.786 OF 2015
WITH
CIVIL APPLICATION NO.951 OF 2015
IN
APPEAL FROM ORDER NO.786 OF 2015

Municipal Corporation of Greater
Mumbai ..Appellants

Vs.

Jilodhar Bechan Yadav & Ors. ..Respondents

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Mr. A. Y. Sakhare, Senior Advocate a/w Mr. S. K. Sonawane and Mr. A. V. Diwate i/b Mr. U. H. Deshpande for the appellants and applicants in all Appeal from Orders and Applications.

Mr. Ashutosh Kaushik a/w Mr. Alok Pandey i/b Kaushik & Co. for respondent No.1 in AO 353/2015, AO 376/2015, AO 377/2015 and AO 378/2015.

Mr. J. G. Damani for respondent No.1 in AO 372/2015, AO 785/2015, AO 787/2015, AO 788/2015 and AO 786/2015.

Mr. Rakesh Agrawal for respondent No.2 in all Appeal from Orders.

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CORAM : N.M. JAMDAR, J.

DATED : 22 MARCH 2016

P.C.:

. By this group of appeals the Municipal Corporation challenges the order passed by the City Civil Court dated 11 July 2014 wherein the City Civil Court has directed the parties to maintain status-quo and notice of motion is made returnable.

2. Appeal from Order No.353/2015 arises from L. C. Suit No.1586/2014; Appeal from Order No.372/2015 arises from L. C. Suit No.1577/2014; Appeal from Order No.376/2015 arises from L. C. Suit No.1582/2014; Appeal from Order No.377/2015 arises from L. C. Suit No.1584/2014; Appeal from Order No.378/2015 arises from L. C. Suit No.1585/2014; Appeal from Order No.785/2015 arises from L. C. Suit No.1573/2014; Appeal from Order No.787/2015 arises from L. C. Suit No.1574/2014; Appeal from Order No.788/2015 arises from L. C. Suit No.1575/2014; and Appeal from Order No.786/2015 arises from L. C. Suit No.1576/2014.

3. Heard learned counsel for the parties. Learned Senior advocate appearing for the Municipal Corporation submitted that the notice was issued to the plaintiff u/s.351 of the Municipal Corporation Act in respect of structures mentioned therein. He submitted that the plaintiffs filed their response to the notice which was analyzed by the Assistant Commissioner and it was found that no documents were produced to show the existence of structures prior to the datum line of 17 April 1964. The learned counsel for the respondents have relied upon property card of the property to support the reasoning of the learned City Civil Court.

4. Notice of Motions are yet pending. It is informed that the Corporation has only recently filed their reply. The impugned order directs maintaining of status-quo. Considering the rival contentions, the order granting status-quo till the notice of motion is heard on merits if is vacated at this stage, it will cause irreparable loss to the plaintiffs. The appropriate course of action would be, now since the Corporation has filed their reply, to give liberty to the Corporation to make an application for early hearing of the notice of motion. The learned City Civil Court will consider the application, if there are no earlier time-bound commitments. Keeping all contentions of the parties including that of the intervenor open, Appeal from Orders are disposed of.

5. In view of disposal of the Appeal from Orders, Civil Applications do not survive and are disposed of.

(N.M. JAMDAR, J.)