

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION**

**APPEAL FROM ORDER NO.178 OF 2015
WITH
CIVIL APPLICATION NO.231 OF 2015**

**Shivram Gunaji Gotad : Appellant/Applicant.
Versus
The Municipal Corporation of
Greater Mumbai and anr. : Respondents.**

**ALONG WITH
APPEAL FROM ORDER NO.176 OF 2015
WITH
CIVIL APPLICATION NO.229 OF 2015**

**Mrs. Sunalini Ramesh Khatavkar : Appellant/Applicant.
Versus
The Municipal Corporation of
Greater Mumbai and anr. : Respondents.**

**ALONG WITH
APPEAL FROM ORDER NO.177 OF 2015
WITH
CIVIL APPLICATION NO.230 OF 2015**

**Mrs. Vasanti Bhanudas Taral : Appellant/Applicant.
Versus
The Municipal Corporation of
Greater Mumbai and anr. : Respondents.**

**ALONG WITH
APPEAL FROM ORDER NO.179 OF 2015
WITH
CIVIL APPLICATION NO.232 OF 2015**

**Rajesh Vasant Pawar : Appellant/Applicant.
Versus
The Municipal Corporation of
Greater Mumbai and anr. : Respondents.**

**ALONG WITH
APPEAL FROM ORDER NO.180 OF 2015
WITH
CIVIL APPLICATION NO.233 OF 2015**

Nandkumar Kashinath Narvekar : Appellant/Applicant.
Versus
The Municipal Corporation of
Greater Mumbai and anr. : Respondents.

Mr. Suresh M Sabrad for the Appellants/Applicants.
Mr. S T Sonawane a/w Mrs. M R Bhoir for the Respondent No.1.
Mr. Atul Kshatriya i/by Markand Gandhi & Co. for the Respondent No.2.

CORAM : R. M. SAVANT, J.
DATE : 09th June 2016

P.C.

1 The above Appeals from Order challenge the identical orders dated 17/01/2015 by which orders the Notices of Motion filed by each of the Appellants above-named came to be dismissed. The Appellants have filed individual suits challenging the notices issued under Section 351 of the Mumbai Municipal Corporation Act (for short “the said Act”) to them, alleging unauthorized construction carried out by them. The said notices are dated 23/07/2012. The Appellants replied to the said notices which reply was considered by the Competent Authority of the Municipal Corporation for Greater Mumbai (for short “MCGM) who passed the order confirming the said notices issued under Section 351 of the said Act. It is pursuant to the said confirmation that the Mumbai Corporation of Greater Mumbai issued notices under Section 488 of the said Act. The Plaintiffs in the Notices of Motion filed

by them are seeking an order of injunction restraining the Mumbai Corporation of Greater Mumbai from demolishing the structures pursuant to the said notices.

2 The Trial Court having regard to the fact that the notices have been issued on account of unauthorized construction carried out by the Appellants and since the Plaintiffs i.e. the Appellants above named were claiming an order of injunction restraining the Defendants from taking any action of demolition on the basis of the said notices issued under Section 488 of the said Act which the Trial Court observed was nothing but an execution of the order pursuant to the notices issued under Section 351 of the said Act dismissed the Notices of Motion filed by the Appellants.

3 The learned counsel appearing on behalf of the Respondents i.e. the Municipal Corporation of Greater Mumbai, Shri S T Sonawane on the basis of the papers furnished to him by the concerned department of the Municipal Corporation of Greater Mumbai makes a statement that pursuant to the said notices issued under Section 488 of the said Act, the structures in question have already been demolished.

4 In view of the supervening event of the structures being demolished, the above Appeals from Order have turned infructuous and are

disposed of as having turned infructuous. In view of the disposal of the Appeals from Order as having turned infructuous. The above Civil Applications filed in the Appeals do not survive and to accordingly stand disposed of as such.

[R.M.SAVANT, J]