

IN THE HIGH COURT OF JUDICATURE AT BOMBAY***CIVIL APPELLATE JURISDICTION*****APPEAL FROM ORDER NO. 118 OF 2016****Gulab Shripat Ahinave****..... Appellant****VERSUS****Municipal Corporation of Greater Mumbai & Anr. Respondents****ALONGWITH****APPEAL FROM ORDER NO. 119 OF 2016****Rajeshchandra B.Mehta****..... Appellant****VERSUS****Municipal Corporation of Greater Mumbai & Anr. Respondents**

Mr.Deepak Raut for the Appellants.

Mr.A.V.Diwate for the Respondent – B.M.C.

CORAM : R.D. DHANUKA, J.**DATED : 8th FEBRUARY, 2016****P.C.**

The appellant has impugned the order passed by the learned trial judge refusing to permit reconstruction of the structure already demolished, action taken by the Municipal Corporation under section 351 of the Bombay Municipal Corporation Act. The learned trial judge was of the view that the prayer for reconstruction of the structure cannot be granted at the interim stage and has already expedited the suit.

2. In my view there is thus no infirmity in the order passed by the learned trial judge. Appeals are devoid of merits and are rejected.

3. The Municipal Corporation is directed to file written statement in both the

suits within four weeks from today and serve a copy thereof upon the plaintiff's advocate simultaneously.

4. The learned trial judge shall make an endeavour to dispose off the suits expeditiously and not later than 2 years from the date of commencement of the oral evidence.

5. Both parties have agreed not to seek any unnecessary adjournments before the learned trial judge to enable the learned trial judge to dispose off the suit expeditiously. Statement is accepted.

6. Both the appeals are disposed of in the aforesaid terms. No order as to costs.

[R.D. DHANUKA, J.]