

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

***APPEAL FROM ORDER NO. 314 OF 2016
WITH
CIVIL APPLICATION NO. 402 OF 2016***

Pravin Hargan Shah

... Appellant/Applicant

v/s

Municipal Corpn. of Gr. Mumbai & anr. ... Respondents

Mr.Shardul Singh i/by J.P.Durve for the appellant/applicant.

Mrs.M.R.Bhoir for the respondent B.M.C.

CORAM: N.M. JAMDAR, J.

DATED : 5 APRIL 2016

PC.:

Learned counsel for the Appellant states that the Appellant is desirous of approaching the Municipal Corporation with an application for regularization of the structure. This request presupposes that the Appellant accepts the fact that the structure is not legal. If an application for regularization is made within the period of six weeks from today, the structure in question will not be demolished for a period of eight weeks thereafter. Learned counsel for the Appellant states that the Appellant is in possession of the documents necessary for making an application for regularization, and the remaining documents will be obtained within a period of

six weeks, and no further time will be sought. Statement is accepted.

2 If an application as aforesaid is made within a period of six weeks, then the Corporation will decide the same within a period of six weeks thereafter. If the application is not made, Corporation will proceed to take up further action.

3 In view of this position, the appeal is disposed of. The civil suit filed by the Appellant will not survive.

4 The appeal and the civil application stand disposed of in above terms.

5 The parties shall place a copy of this order on the file of the suit before the learned City Civil Court Judge, to pass an appropriate order for disposal of the suit.

6 It is made clear that the application for regularization will be decided on its own merits and as per law. It is also made clear that no further time will be sought by the Appellant.

(N. M. JAMDAR, J.)