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

***APPEAL FROM ORDER NO. 353 OF 2016
with
CIVIL APPLICATION NO. 454 OF 2016***

Mr. Bhaskar Yanka Shetty.

... Appellant/Applicant
(Orig. Plaintiff).

V/s.

Municipal Corporation of Gr. Mumbai.

... Respondent.

Mr. Y.K. Tiwari i/b. S.R. Dubey for the Appellant/Applicant.

Mr. A.V. Diwate for the Respondent - BMC.

CORAM : N.M. JAMDAR, J.

DATE : 4 APRIL, 2016.

P.C. :-

The learned Counsel for the Appellant at the outset states that the Appellant is desirous of applying for regularization to the Municipal Corporation. It is clear that therefore, the structure in question is not legal. However, since the Appellant would desirous of approaching the Municipal Corporation for regularization of its structure, on which I have expressed no opinion on the merits thereof, some breathing time be granted to the Appellant.

2. The learned Counsel for the Appellant states that the Appellant is in possession of the requisite documents which are necessary for regularization.

3. Accordingly, if the Appellant makes an application for regularization within period of two weeks from today, the structure in question will not be demolished within period of eight weeks thereafter. On receipt of the application with all necessary documents in two weeks as aforesaid, the Municipal Corporation will take a decision within period of six weeks thereafter. The Appeal from Order is accordingly disposed of. In view of this order, the Suit itself does not survive. Liberty to the parties to place the copy of this order on the file of the learned City Civil Judge who is hearing the concerned suit for appropriate order of disposal.

(N.M. JAMDAR, J.)