

Sequeira

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

**APPEAL FROM ORDER NO. 311 OF 2016
Along with
CIVIL APPLICATION NO. 399 OF 2016**

Adv. Virendra Singh Khurana .. Appellant / Applicant

Versus.

The Municipal Corporation
of Greater Mumbai. .. Respondent

Ms.Komal Kandharkar, for the Appellant / Applicant.
Mr.A.V.Diwate, for the Respondent-BMC.

**CORAM: N.M. JAMDAR, J.
Wednesday, 23 March 2016.**

PC. :

The learned counsel for the Appellant makes a limited request that since the application for regularisation is made and that the matter is not being contested as regards the legality of the notice, protection may be given till the disposal of the proceedings for regularisation.

2. The learned counsel for the Municipal Corporation has placed on record communication dated 29 February 2016 indicating the documents required to consider the proposal of the Appellant. The learned counsel for the Appellant states that the Appellant will furnish these documents within period of two weeks

from today and undertakes not to seek any extension as the documents will be available in two weeks. The said undertaking of the Appellant will be filed on affidavit by the Appellant on or before 29 March 2016. Based on this condition, the Appeal is disposed of by directing the Municipal Corporation to decide the proposal of the Appellant for regularisation of the structure on its own merits and as per law within period of six weeks from today i.e. two weeks after the submission of documents as above by the Appellant. Till the Application regularised is so disposed of structure of the Appellant will not be demolished. Appellant will maintain status-quo as regards the structure. If the undertaking is not filed by 29 March 2016, the protection granted will stand vacated.

3. In view of this position, the Appeal is disposed of. Suit also does not survive. Liberty to the parties to place a copy of this order on the file of L.C. Suit No.638 of 2016 for appropriate order of disposal of the suit.

(N.M. JAMDAR, J.)