

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

**APPEAL FROM ORDER (ST) NO. 8069 OF 2016
WITH
CIVIL APPLICATION (ST) NO. 8070 OF 2016**

Smt.Rekha Manik Kini ... Appellant
v/s
Municipal Corpn. Of Gr. Mumbai ... Respondent

Mr.S.M.Sabrad along with Dhanesh Patekar for the appellant/
applicant.

Mr.S.K.Sonawane for the respondent- B.M.C.

CORAM: N.M. JAMDAR, J.

DATED : 1 APRIL 2016

P.C.:

On 30 March 2016, following order was passed :

'P.C.:

*Not on board. Mentioned. Taken on board by way of a
praecipe.*

*2 Learned counsel for the Appellant states that copy of the
impugned order is not ready. The Appellant to give notice to
the Municipal Corporation and mention the matter
tomorrow. In view of this position, the Respondent
Corporation will not take steps in respect of the demolition
of the suit property till 17 March 2016.*

*3 Liberty to the Appellant to inform the order to the
concerned officers of the Respondent Corporation, without
waiting for copy of this order.'*

2 Learned counsel for the Respondent Corporation produces checklist of documents for submission of the proposal. He states that this information is also available on the website of Municipal Corporation. Learned counsel for the Appellant states that eight weeks' time be granted to collect the necessary documents. This request is accepted. It is however made clear that, no further time will be granted for collection of the documents. If the application is made for regularization by the Applicant within the above stipulated period, the Respondent Corporation will take decision as per law and pass necessary orders.

3 In view of this position, the structure of the appellant will be protected in the meanwhile, however, if the Appellant fails to make an application along with the documents within the period of eight weeks from today, then the protection granted will cease to operate and the Respondent Corporation will be entitled to take appropriate action. If, however, the application as aforesaid is made within the stipulated period, then the protection will continue till the disposal of the application. Learned counsel for the Respondent Corporation states that since there is an appeal provided, generally, the Corporation, both consider giving breathing time to the Applicant. In the facts of this case, the Corporation will grant two weeks' time after the disposal of the application, to the Appellant.

4 The appeal is accordingly disposed of.

5 In view of disposal of the appeal, the civil application as well as the suit will not survive.

6 Liberty to the parties to place copy of this order in the file of the suit for appropriate orders of disposal of the suit.

7 In the meanwhile, the Appellant will carry out or alter the status-quo as regard the suit structure.

(N. M. JAMDAR, J.)