

***IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION
APPEAL FROM ORDER NO.520 OF 2015
WITH
CIVIL APPLICATION NO.660 OF 2015
IN
APPEAL FROM ORDER NO.520 OF 2015***

Kumar Dayal Kanal & Ors. ..Appellants
Vs.
The Municipal Corporation of
Greater Mumbai ..Respondent

***WITH
CIVIL APPLICATION NO.661 OF 2015
IN
APPEAL FROM ORDER NO.520 OF 2015***

Bandra Happy Home Co-operative
Housing Society Limited ..Applicant/Intervenor

In the matter between:

Kumar Dayal Kanal & Ors. ..Appellants
Vs.
The Municipal Corporation of
Greater Mumbai ..Respondent

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Ms. Harbans Kaur i/b K. P. Tiwari & Co for the appellant in AO
520/2015 and CA No.660/2015

Mr. Joel D'Souza i/b Mr. S. M. Kamble for the applicant in CA
No.661/2015.

Mr. S. K. Sonawane a/w Mr. A. V. Diwate for the respondent.

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CORAM : N.M. JAMDAR, J.
DATED : 14 MARCH 2016

P.C.:

. Ms. Kaur, the learned counsel for the appellants states that the structure in question has been regularized by the Municipal Corporation, during the pendency of this appeal and, therefore cause of action does not survive.

2. Mr. Joel D'Souza, the learned counsel for the intervenor states that the intervenor has challenged the order of the Municipal Corporation regularizing the suit structure.

3. Since the appellants state that the cause of action does not survive, appeal is disposed of as infructuous. All contentions of the parties including that of the intervenor as regards merits of regularization are kept open to be decided in the writ petition stated to be filed by the intervenor.

4. Appeal is disposed of. In view of disposal of the Appeal, Civil Applications does not survive.

(N.M. JAMDAR, J.)