

JPP

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

***APPEAL FROM ORDER (ST.) NO. 10260 OF 2016
with
CIVIL APPLICATION (ST.) NO. 10262 OF 2016***

Mohammed Umer Abdullah Shaikh. ... Appellant/
Orig. Plaintiff.

V/s.

Municipal Corporation for Greater Mumbai ... Respondent/
Orig. Defendants.

Mr. S.K. Shinde i/b. Sachin Gelye for the Appellant.
Mr. A.V. Diwate for the Respondent - BMC.

CORAM : N.M. JAMDAR, J.

DATE : 4 APRIL, 2016.

P.C. :-

Not on board. Taken on production board by way of
praecipe.

2. The learned Counsel for the Appellant at the outset states that the Appellant is not contesting the conclusion reached by the Municipal Corporation that the structure in question is not legal, however, the Appellant is desirous of approaching the Municipal Corporation for seeking regularization of structure. The statement is accepted.

3. The learned Counsel for the Appellant states that the documents require for regularization application are available.

4. If the application for regularization is made within period of three weeks from today, the Municipal Corporation will not take any action of demolition for period of eight weeks thereafter and that the Municipal Corporation will dispose of the application for regularization within period of six weeks from the receipt of the aforesaid application for regularization as per law. The Application will be considered on its own merits. In the meanwhile, the Appellant will also maintain status-quo as regard the suit structure.

5. In view of the above, the Suit itself will not survive. Liberty to the parties to place the copy of this order on the file of the Suit for the learned City Civil Judge to pass appropriate order of disposal of the Suit.

(N.M. JAMDAR, J.)