

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

APPEAL FROM ORDER NO.874 OF 2013

Mrs. Shamimbanu Mohd. Ilyas Shaikh & ors. : Appellants.

Versus

The Municipal Commissioner

Municipal Corporation of Greater Mumbai : Respondent.

Ms. Archana Patil i/by M/s Jurists Uno for the Appellants.

Mrs. M R Bhoir for the Respondent.

CORAM : R. M. SAVANT, J.

DATE : 09th June 2016

P.C.

1 The refusal by the Trial Court i.e. the learned Judge of the City Civil Court for Greater Mumbai to grant ad-interim relief to the Appellant – original Plaintiff has resulted in filing of the above Appeal from Order. The above Appeal from Order takes exception to the order dated 15/04/2013 passed by the Trial Court i.e. the learned Judge of the City Civil Court for Greater Mumbai by which order the application for ad interim relief has been rejected. The said rejection is inter-alia on the following grounds, firstly that there is discrepancy of the area mentioned in the alleged Deed of Assignment and the area shown in the license issued by the Municipal Corporation for Greater Mumbai (for short “MCGM”); that the Appellant original Plaintiff has not produced any document showing that the Mumbai Corporation of Greater Mumbai has granted the Plaintiff any tenancy right, and third ground is that

pursuant to the notice issued under Section 351 of the Mumbai Municipal Corporation Act, demolition of the structure has already been carried out.

2 It is sought to be contended on behalf of the Appellant – original Plaintiff that though the demolition is carried out, a part of the structure on the ground floor still remains. The Trial Court has observed that after demolition the structure has become inhabitable and therefore no relief can be granted to the Plaintiff.

3 In my view, no case for interference is made out. The above Appeal from Order is accordingly dismissed.

[R.M.SAVANT, J]