

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

**APPEAL FROM ORDER NO.594 OF 2016
WITH
CIVIL APPLICATION NO.763 OF 2016**

**Amalraj Joseph Thevar : Appellant/Applicant.
Versus**

**The Municipal Corporation of
Greater Mumbai and anr. : Respondents.**

Mr. Shailesh U Shukla for the Appellant/Applicant.

Mrs. M R Bhoir for the Respondents.

CORAM : R. M. SAVANT, J.

DATE : 30th June 2016

P.C.

1 The order dated 06/05/2016 passed by the learned Judge of the City Civil Court, Greater Mumbai refusing ad-interim relief is taken exception to by way of the above Appeal from Order.

2 The Appellant is the original Plaintiff who has been issued a notice under Section 354-A of the Mumbai Municipal Corporation Act in view of the fact that the Appellant was putting up first floor above the ground floor premises occupied by him. The Appellant replied to the said notice and contended that the said first floor structure was in existence since long and in support of the said contention sought to rely upon the documents which are mentioned in the said reply which were inter-alia the NOC from landlord, Voter ID card, rent receipt, electricity bill, ESIC ID card and ration card.

3 It seems that the person who is residing in the structure behind the structure of the Appellant/Plaintiff was present in the Trial Court when the application for ad-interim relief was moved. It seems that he has filed a caveat. The caveator produced the photograph showing the construction of the first floor by the Appellant/Plaintiff.

4 The Trial Court having regard to the said documents came to a prima facie conclusion that the said documents do not relate to the first floor of the structure. The Trial Court has accordingly refused the ad-interim relief.

5 In my view, no case for interference is made out. The above Appeal from Order is accordingly dismissed. In view of the dismissal of the above Appeal from Order, Civil Application No.763 of 2016 does not survive and the same to accordingly stand disposed of.

[R.M.SAVANT, J]