

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

**APPEAL FROM ORDER STAMP NO.14543 OF 2016
ALONGWITH
CIVIL APPLICATION STAMP NO.14544 OF 2016**

Mr. Arif Patel

.. Appellant/Applicant

Versus

Municipal Corporation of Greater Bombay

.. Respondent

Mr. C. K. Tripathi for the Appellant/Applicant.

Shri. S. S. Pakale for the MCGM.

CORAM : R.M. SAVANT, J.

DATE : 4th JULY 2016

PC.

1. The refusal to grant extension of the status-quo order passed by the Trial Court by the impugned order dated 21.04.2016 is taken exception to by way of the above Appeal from Order. The Appellant/Applicant herein claims to be a tenant in respect of part of the structure in respect of which a notice under Section 354A of the Mumbai Municipal Corporation Act came to be issued. It is alleged in the said notice that in spite of the earlier demolition on three occasions, the unauthorized construction of ground plus eight floors is in progress. Across the bar, this Court is informed that the person claiming to be the landlord had earlier

laid challenge to the earlier notices issued which challenge had failed right upto this Court and that the structure in question had been demolished. It is thereafter that the structure is once again sought to be put up and notice issued is sought to be challenged through the Appellant/Applicant who allegedly claims to be the tenant. The Trial Court having regard to the said circumstances has observed in the order that “this is very dangerous to extend the status-quo order as the said order is mis-used”. In my view, no case for interference with the refusal of the Trial Court to grant ad-interim reliefs is made out. The Appeal from Order is accordingly dismissed.

2. In view of the dismissal of the Appeal from Order, the Civil Application does not survive and to accordingly stand disposed of as such.

[R.M. SAVANT, J]