

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

CIVIL APPLICATION NO.2748 OF 2016

IN

FIRST APPEAL NO.1041 OF 2016

Mr. Deepak N. Shah and another

.. Applicants

Versus

Municipal Corporation of Greater Mumbai

.. Respondent

**Ms. Samindra Surve a/w Shri. Aditya Singh i/by Little & Co.
for the Applicants.**

Ms. M. R. Bhoir for the MCGM.

CORAM : R.M. SAVANT, J.

DATE : 4th JULY 2016

PC.

1. Leave to amend so as to correct prayer clause (a).
Amendment to be carried out forthwith.

2. The above Civil Application has been filed seeking interim stay to the impugned judgment and order dated 01.04.2016 passed by the City Civil Court in LC Suit No.2895 of 2006. The Learned Counsel appearing for the Applicants has drawn this Court's attention to the order passed in Civil Application No.1434 of 2011 in First Appeal No.748 of 2011 dated 27.04.2011. The said order is passed in respect of the

neighbours of the Applicants/Appellants who are in occupation of Flat No.601. In view of the said order dated 27.04.2011, the Applicants herein are directed to apply for regularization in terms of clause (2) of the impugned decree within a period of six weeks from date. The Respondent Corporation will decide the said application within six weeks thereafter. The said application which would be made by the Applicants would be without prejudice to their rights and contentions in the above Appeal. Until further orders of this Court, no action to be taken against the flat occupied by the Applicants/Appellants i.e. Flat No.603 in the building in question. Private paper book to be filed within six months from date. The Civil Application is accordingly disposed of.

[R.M. SAVANT, J]