

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

**CIVIL APPLICATION NO.4026 OF 2009
IN
FIRST APPEAL NO.768 OF 2010**

Office Notes, Office Memoranda of Coram, appearances, Court's orders or directions and Registrar's orders	Court's or Judge's orders.
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Mrs.M.R.Bhoir for the Applicant/BMC.
Mr.Vivek K. Gupta for the Respondent.

CORAM : K.K.TATED, J.
DATED : 11/01/2016

PC:

- 1 Heard the learned counsel for the parties.
- 2 This application is preferred by Municipal Corporation for stay of the operation and implementation of the the Judgment and Decree dated 15.3.2008 passed by Bombay City Civil Court in L.C.Suit No.4267 of 2004 by which the Trial Court declared that both notice dt. 20.2.1997 issued under section 351 of the M.M.C. Act and consequential order of demolition dt. 19.1.2001 were illegal invalid and inoperative. The Trial Court also held that the respondent plaintiff is entitled to re-erect the hut admeasuring 168 sq.ft. in the nature of ground floor structure, at the suit site.

3 The learned counsel for the applicant submits that this court by order dated 27.10.2010 granted ad-interim relief. She submits that as the First Appeal is already admitted, pending the hearing and final disposal of the First Appeal, ad-interim relief to continue till the hearing and final disposal of the First Appeal.

4 On the other hand the learned counsel for the respondent plaintiff submits that as First Appeal is already admitted, they have no objection if ad-interim relief is continued till the hearing and final disposal of the First Appeal. Hence, following order is passed:

a. The operation and implementation of the impugned judgment and decree dated 15.3.2008 passed by Bombay City Civil Court in L.C.Suit No.4267 of 2004 to the extend of allowing the Respondent plaintiff to re-erect the hut admeasuring 168 sq. ft. in the nature of ground floor structure at the suit site, is stayed, till hearing and final disposal of the appeal.

b. Civil application stands disposed off accordingly.

(K.K.TATED, J.)