

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

Amk

**APPEAL FROM ORDER (STAMP) NO. 27349 OF 2016
WITH
CIVIL APPLICATION (STAMP) NO. 27352 OF 2016**

Mr. Jayantilal Bhagwandas Pandya .. Appellant
Vs.
The Municipal Corporation of Gr. Mumbai & Anr. .. Respondents

Mr. Jagdish N. Jayale for the Appellant.
Mrs. Madhuri More for the Respondent-BMC.

CORAM : DR. SHALINI PHANSALKAR-JOSHI, J.
DATE : 6th OCTOBER, 2016.

P. C. :

1. This appeal is preferred against the order dated 27.09.2016 passed by the City Civil Court at Dindoshi (Borivali Division), Mumbai in Notice of Motion No. 2809 of 2016 filed in L. C. Suit No. 2600 of 2016 thereby rejecting the ad interim relief to the appellant.

2. The only ground on which, the Trial Court has rejected the relief is that, though the show cause notice under Section 314 of the MMC Act is issued, no final order is passed by the Designated Officer and hence there was no reason for any apprehension.

3. Learned counsel for the respondents makes the same submission that as on today also as no final order is passed, there is no

ground for apprehension on the part of the appellant of demolition of the suit structure.

4. In view thereof, no interference is warranted in the impugned order of the Trial Court. The appeal, therefore, holds no merits and hence stands dismissed.

5. In view of the dismissal of the appeal, civil application does not survive and disposed of accordingly.

6. If, at all any final order is issued by the Corporation, the appellant is having liberty to approach the Trial Court again.

[DR. SHALINI PHANSALKAR-JOSHI, J.]