

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

***SECOND APPEAL NO. 336 OF 2014
ALONG WITH
CIVIL APPLICATION NO. 809 OF 2014***

Mr.Vinayak S. Vartak,
Residing at 759/126B, Prabhat Rd.,
Vrindavan Kunj Housing Society, Pune. ... Appellant/Applicant

v/s

Pune Municipal Corporation & ors. ... Respondents

Mr.Abhishek Pungliya for the appellant/applicant.'

None present for the respondent.

CORAM: N.M. JAMDAR, J.

DATED : 1 APRIL 2016

ORAL ORDER:

By this appeal, the Appellant challenges the concurrent judgment and orders passed by the Civil Judge, Junior Division, Pune, and District Judge, Pune, dismissing the suit and appeal filed by the Appellant.

2 The Appellant filed the suit in respect of an action sought to be taken by the Pune Municipal Corporation vide notice dated 31 March 2003 in respect of covered parking and compound wall. The suit was filed for permanent injunction against the Respondents.

Both the Courts considered the fact that the Appellant had sought permanent injunction against the Respondents including the Municipal Corporation without challenging the notice issued by the Corporation. The Court also found that the Appellant had not been able to show that this structure was legal.

3 Learned counsel for the Appellant submitted that the Appellant had a Completion Certificate and after Completion Certificate no work has been carried out by the Appellant. This submission cannot be accepted. Both the Courts have found that the Completion Certificate produced by Respondent No.4 did not have any reference to the compound wall and the covered parking. There is no error in the finding. The action of the Corporation is of the year 2003. Both suits and appeal have been dismissed and the second appeal is pending since 2014.

4 No substantial question of law arises. The appeal is dismissed, along with the civil application.

(N. M. JAMDAR, J.)