

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

**APPEAL FROM ORDER NO.191 OF 2016  
WITH  
CIVIL APPLICATION NO.266 OF 2016**

**Chhotelal Abhay Singh** : Appellant.  
**Versus**  
**The Municipal Corporation of**  
**Greater Mumbai** : Respondent.

**Mr. B S Shukla for the Appellant.**  
**Mr. M P Jadhav a/w Mrs. M More for the Respondent.**

**CORAM : R. M. SAVANT, J.**  
**DATE : 27<sup>th</sup> June 2016**

**P.C.**

1           The above Appeal from Order takes exception to the order dated 30/11/2015 by which order the Trial Court i.e. the learned Judge, City Civil Court, Borivali Division, Dindoshi, Mumbai has rejected the Application for ad-interim relief sought by the Appellant/original Plaintiff.

2           The structure of the Appellant/Plaintiff is coming within the road alignment of 60 ft. wide D.P. Road, Near Parimal Building, CTS No.521, 521/2 Gandhi Nagar, Andheri (West), Mumbai. The Appellant was therefore called upon to produce the documents to prove the authenticity of the structure occupied by him so as to be entitled for allotment of alternate accommodation. The Appellant accordingly produced the following documents viz. Electricity Bill, Bank Passbook and Income Tax Receipt. The authorized officer of the

Municipal Corporation of Greater Mumbai ( for short "MCGM) vide order dated 08/10/2015 rejected the said documents on the ground that the Appellant and his brother one Shri Pradeep Singh were staying in the same structure and the said Pradeep Singh has been granted permanent alternate accommodation and rehabilitated in Room No.1001, 10<sup>th</sup> Floor, Garib Nawaz Co-operative Housing Society on plot bearing CTS No.815(pt) of village Andheri (W) opp. S V Road, Mumbai 400 058 and therefore held that the Appellant was not entitled to allotment of alternate accommodation and rejected the case of the Appellant and directed him to remove himself from the site in question.

3           The said order dated 08/10/2015 has resulted in filing of a suit by the Appellant being L C Suit No.3141 of 2015 in which suit the instant Notice of Motion came to be filed by the Appellant for interim reliefs. The said Notice of Motion was moved for ad-interim reliefs. The ad-interim reliefs have been refused to the Appellant inter alia on the ground that the Appellant/Plaintiff has not produced any document to show that he and his brother were not residing together in one hut; that there was absence of any pleadings in that regard in the plaint and that the suit premises are required for road widening and therefore if the ad-interim relief is granted, the same would cause irreparable loss to the public at large. The Trial Court accordingly rejected the application for ad-interim relief vide impugned order dated 30/11/2015.

4           The learned counsel appearing on behalf of the Appellant would once again seek to draw this Court's attention to the documents on record. In my view, it is not possible to arrive at a conclusion on the basis of the said documents, that the Appellant/Plaintiff had an independent structure especially after the designated officer of the MCGM on the perusal of the documents has come to the conclusion that the Appellant and his brother Pradeep Singh were residing in the same hut and the said Pradeep Singh has already been granted alternate accommodation and the Appellant therefore would not be entitled for the same.

5           In my view, no case for interference is made out. The above Appeal from Order is accordingly dismissed. In view of the dismissal of the above Appeal from Order, Civil Application No.266 of 2016 does not survive and the same to accordingly stand disposed of as such. Needless to state that the Notice of Motion in question would be tried on its own merits and in accordance with law.

**[R.M.SAVANT, J]**