

Vidya Amin

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION

**APPEAL FROM ORDER NO. 140 OF 2016
WITH
CIVIL APPLICATION NO. 190 OF 2016 IN A.O. NO. 140 OF 2016**

Afzal Haji Mohammed Virani ... Appellant/Applicant
Vs.
Municipal Corporation of Greater Mumbai ... Respondent

Mr. R.A. Thorat, Senior Advocate with Mr. R.R. Verma i/b. Mr. A.M. Saraogi, Advocate for the appellant/applicant.
Mr. Pakale with Ms. M.R. Bhoir, Advocate for the respondent/BMC.

CORAM: **MRS.MRIDULA BHATKAR, J.**
DATE: **1st March, 2016.**

P.C.:

In this Appeal from Order, the order passed by the learned Judge of the City Civil Court dated 15th December, 2015 is under challenge. The Corporation has issued notice under section 354A of the Mumbai Municipal Corporation Act directing the appellant/original plaintiff to stop the work of construction, as earlier the building was only ground plus one plus mezzanine floor and the appellant is constructing ground plus three plus attic floor. In the said suit, the trial Court refused ad-interim relief and therefore, this Appeal from Order is filed. On perusal of the photographs, this Court has directed the parties to maintain status quo as shown in the photographs.

2. This being an ad-interim order, I am of the view that the order of

status quo to continue and the Notice of Motion can be heard finally within two weeks. Parties are directed to appear before the trial Court on 4th March, 2016. The Corporation to file reply to Notice of Motion, if not filed, on 5th March, 2016 and the appellant to file rejoinder, if any, on or before 8th March, 2016. The trial Court to proceed with the matter and hear and decide it on or before 22nd March, 2016. Parties shall corporate the Court and shall not seek any adjournment. The order of status quo to continue till 22nd March, 2016.

3. Appeal from Order is disposed of. Civil Application is also accordingly disposed of.

(MRIDULA BHATKAR, J.)