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IN THE HIGH COURT OF JUDICATURE AT BOMBAY
ORDINARY ORIGINAL CIVIL JURISDICTION
WRIT PETITION (L)NO.201 OF 2016

Smt.Hasina Shaikh D/o Halima
Nabilal Mulla & Ors. ...Petitioners
vs.
The Assistant Commissioner of
Municipal Corporation of
Greater Mumbai ...Respondent

Mr.Ranjit Agashe for the Petitioners
Ms Geeta Joglekar for the respondent

CORAM : A.S.OKA, &
R.D.DHANUKA,JJ.
DATE : MARCH 4, 2016

P.C.:

1 Heard the learned counsel for the petitioners. He tendered across the bar a compilation of documents as directed by this Court. The learned counsel for the petitioners does not dispute that the present petitioners are the plaintiffs in pending L.C.Suit No.2229 of 2013 in the City Civil Court at Dindoshi. He does not dispute that the structures which are the subject matter of this petition are also the subject matter of the pending suit. We have perused the prayers in the pending suit and the prayers made in this petition. As far as substantive prayers (a) and (b) in this petition are concerned, similar relief is already sought by the present petitioners in the pending suit. As far as the prayer made in the alternative in this petition is concerned, the learned counsel for the

petitioners states that an application for appointment of the Court Commissioner is already made in the pending suit. It is stated that the said application is pending and there is every possibility that the pending the said application, the Mumbai Municipal Corporation may demolish the structures of the petitioners. He invited our attention to the orders passed by this Court in the Appeal from Order preferred by the plaintiffs in the said suit for challenging the ad-interim order passed by the City Civil Court.

2 In view of the pendency of the suit, we decline to entertain this petition under Article 226 of the Constitution of India. Accordingly, writ petition is disposed of.

3 To enable the petitioners to seek appropriate reliefs in the suit, ad-interim relief granted by this Court is hereby extended by a period of six weeks from today.

(R.D.DHANUKA,J.)

(A.S.OKA,J.)