

FARAD CONTINUATION SHEET

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
ORDINARY ORIGINAL CIVIL JURISDICTION
WRIT PETITION NO.2106 OF 2014

Office Notes, Office
memorandum of Coram,
appearances, Court's
orders or directions &
Registrar's orders.

Court's or
Judge's orders.

Shri Balraj Kulkarni along with Ms. Jyoti Ghorpade i/b PRS Legal for the Petitioner.
Smt. Shobha Ajitkumar for the Respondent No.1.

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CORAM : A.S. OKA & C.V. BHADANG, JJ
DATED : 8TH FEBRUARY 2016

P.C.:

1. This Petition was heard in the last week. The disputed questions as regards the present structural status of the building in question are involved. According to us, the said questions can be more appropriately decided by the Civil Court. The bar under Section 515A of the Mumbai Municipal Corporation Act, 1888 will not operate where the challenge before the Civil Court is in relation to the action under Section 354 of the MMC Act. Accordingly, we dispose of the Petition by granting liberty to the Petitioner to adopt a remedy before the

Civil Court. The ad-interim relief granted earlier to continue for a period of six weeks from today to enable the Petitioner to move the Civil Court.

2. Notice of Motion (L) No.421 of 2014 does not survive and the same is disposed of.

(C.V. BHADANG, J)

(A.S.OKA, J)