

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
ORDINARY ORIGINAL CIVIL JURISDICTION**

**NOTICE OF MOTION NO.1094 OF 2010
WITH
NOTICE OF MOTION NO.13 OF 2010
WITH
NOTICE OF MOTION NO.1769 OF 2011
WITH
NOTICE OF MOTION (L) NO.904 OF 2016
IN
SUIT NO.3 OF 2010**

Mumtaz daughter of Riyazuddin &
Wife of Suleman Khan & Anr.Plaintiffs

V/s.

Jamaluddin Riyazuddin Sheikh & Ors.Defendants

Mr. Yusuf Khan, C.A. of plaintiffs present in person.

Mr. M.M. Vashi, senior advocate a/w. Ms. Aparna Devkar i/b. M/s.
M.P. Vashi & Associates for the defendants.

CORAM : K.R.SHRIRAM,J

DATE : 9th JUNE, 2016

P.C.:-

1 There are four notices of motion listed today. The relief sought in the notice of motion no.1094 of 2010 is to restrain the plaintiffs and any person claiming through the plaintiffs from allowing illegal hawkers to use and carry on business or any other activity in the compulsory open space of new Hazrabai House. On 28th April, 2010 an ad-interim order was passed. Paragraph 1 of the said order reads as under :-

“1. Heard learned advocates on both sides. It is common ground that

certain hawkers are hawking in the open space/compound of the properties covered by the present suit. If the Corporation is of the view that the said hawkers are carrying on business in the compulsory open space without appropriate permission, Corporation is free to proceed against the said hawkers in accordance with provisions of law. With this ad-interim application stands disposed of.”

2 As it is observed that the Corporation is free to proceed against the hawkers carrying on business without appropriate permission in accordance with law, in my view, nothing survives in this notice of motion.

3 The notice of motion accordingly stands disposed. Notwithstanding disposal of this notice of motion, the Corporation will be free to proceed against such hawkers, who are found carrying on business in the compulsory open space without appropriate permission.

4 As regards the remaining three notices of motion, Mr. Yusuf Khan, who is the son of plaintiff no.1 and the constituted attorney of the plaintiffs requests that the notices of motion be stood over since his advocate is in some personal difficulty today.

5 Therefore, stand over to 23rd June, 2016.

(K.R.SHRIRAM,J)