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

WRIT PETITION NO. 1754 OF 2015
WITH
CHAMBER SUMMONS NO. 290 OF 2015

Richard D'Souza & Ors.	...Petitioners
Vs.	
State of Maharashtra & Ors.	...Respondents

Mr. Vishal Chandrakant Ghosalkar, Advocate for the Petitioners
Mr. Rajiv Mane, AGP for the Respondent No.1 State
Mrs. Shobha Ajitkumar, Advocate for the Respondent No.2
Mr. L.H. Patil, Advocate for the Applicant in the
Chamber Summons No. 290 of 2015.
Mr. Ram M. Bhatia, Designated Officer H/E Ward present

**CORAM : A.S.OKA, &
C.V. BHADANG, JJ.
DATE : JANUARY 05, 2016**

PC.:

1. Heard learned Counsel for the parties. This petition involves disputed questions of fact as regards the structural status of the building. According to us, this question can be more appropriately be decided by a Civil Court.
2. Therefore, we propose to relegate the petitioner to remedy of a civil suit. We may clarify here that as the action sought to be challenged is under Section 354 of the Mumbai Municipal Corporation Act, 1888, the bar created by Section 515-A of the said Act will not apply to the present case. We, accordingly,

CHS.290.2015(31)

dispose of the petition by granting liberty to the petitioners to file appropriate proceedings before the Civil Court. To enable the petitioners to do so, ad-interim relief, which was granted in this Petition shall continue for a period of three weeks from today subject to the same terms and conditions.

3. We make it clear that the prayer for grant of ad-interim or interim relief shall be considered by the Civil Court without being influenced by the continuance of the ad-interim order.
4. All contentions on merit are kept open.
5. The Chamber Summons No. 290 of 2015 does not survive and therefore, disposed of.

(C.VBHADANG,J.)

(A.S.OKA,J.)