

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY  
CIVIL APPELLATE JURISDICTION  
CIVIL APPLICATION NO. 116 OF 2017  
IN  
CIVIL REVISION APPLICATION NO.188 OF 2011**

|                                     |                      |
|-------------------------------------|----------------------|
| <b>Mohamad Rampurwala</b>           | <b>..Applicant</b>   |
| <b>In the matter between</b>        |                      |
| <b>Mathuradas Morarji &amp; Ors</b> | <b>..Applicants</b>  |
| <b>Vs.</b>                          |                      |
| <b>Mohamad Rampurwala &amp; Ors</b> | <b>..Respondents</b> |

**Mr. Vishwajit P. Sawant a/w Mr. V. P. Kakade for the Applicant**  
**Mr. V. J. Mehta a/w Mr. J. S. Shukla i/b M/s Vaibhav Mehta & Associates**  
**for the Respondent / original Applicant**

**CORAM : R. M. SAVANT, J.**  
**DATE : 24<sup>th</sup> APRIL, 2017**

**P.C.**

1           The above Civil Application has been filed inter alia for the reliefs that the original Applicants in the Civil Revision Application i.e. the Respondents herein who are the landlords to communicate their consent to the Municipal Corporation of Greater Mumbai for the issuance of the licence for putting up the illuminated sign board and for maintaining the roller shutter at the entrance of the suit premises, and also for their consent for issuance of the health licence to the Applicant. The Respondent No.1 herein who is the original Civil Revision Applicant has filed the above Civil Revision Application challenging the decree passed by the Appellate Court whereby the Appellate Court has set aside the decree passed by the Trial Court on the ground of unauthorised additions and alterations which allegations were revolving

around putting up two cupboards at the entrance of the suit premises by the Applicant. In the alternative, the Applicant has sought the relief of directing the Licence Department "C" ward Municipal Corporation of Greater Mumbai to waive off/dispense with the consent of the landlords.

2           In so far as the suit premises are concerned, it seems that the name board is already in existence and the Applicant wants to replace the same by an illuminated board. The Applicant i.e. the Respondent No.1 herein is the franchise of Monginis bakery products and probably wants to have the illuminated board indicating the same. In so far as the roller shutter is concerned, there is already in existence the roller shutter but it seems that the Municipal Corporation of Greater Mumbai is objecting to it on the ground that the consent of the landlord has not been forwarded by the Applicant to the Municipal Corporation of Greater Mumbai.

3           In my view, having regard to the facts as aforesaid where there is already in existence a name board as also in existence a roller shutter, it would be just and proper to allow the above Civil Application in terms of prayer clause (a) as also the consent for the health licence. However, it is clarified that the consent of the landlords to the aforesaid two items would be without prejudice to its rights and contentions in the above Civil Revision Application and that the putting up the said illuminated board and roller

shutter, the consent of the landlord would not confer any right on the Applicant. In so far as the health licence is concerned, it is clarified that the Applicant would not be responsible for any incident involving a food product that takes place in the suit premises.

4           With the aforesaid observations, the Civil Application is allowed and made absolute in terms of prayer clause (a) as also the Respondent Landlord to communicate the consent for the health licence. The Civil Application is accordingly disposed of.

**[R.M.SAVANT, J]**