

Shephali

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION
APPEAL FROM ORDER NO. 370 of 2015
WITH
CIVIL APPLICATION NO. 481 OF 2015

Malti Ramdas Yadav	...Appellant
<i>Versus</i>	
The Municipal Corporation of Greater Mumbai	...Respondent

None for the Appellant.

CORAM: G.S. PATEL, J
DATED: 3rd July 2017

PC:-

1. The challenge is to an order of 4th February 2015 refusing ad-interim relief. The Plaintiff is in Appeal. She sought an injunction against the MCGM's notice dated 9th January 2015 under Section 354A of the Mumbai Municipal Corporation Act 1888 and order dated 29th January 2015. This was in respect of commercial premises called Vijay Restaurant at Hanuman Nagar Rahivasi Sangh, Goregaon Mulund Link Road, Malad (East), Bombay 400 097. The notice stated that the work of construction of the first floor was unauthorised. The photographs at that time indicated that the work was ongoing. The Plaintiff claimed that what was being done was not a first but only a mezzanine floor. The Court found that this

could not be called a mezzanine construction and that no permission was shown to have been obtained by the Plaintiff. For these reasons, the learned Judge rejected ad-interim relief, and in my view quite correctly.

2. No cause is made out for interference. The Appeal is dismissed as withdrawn. The Civil Application is dismissed as infructuous.

(G. S. PATEL, J.)