

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY  
CIVIL APPELLATE JURISDICTION**

**CIVIL APPLICATION NO. 251 OF 2017  
IN  
APPEAL FROM ORDER (ST) NO. 968 OF 2017**

Mr.Rajendra Shiv Prasad Pandey ...Applicant/Appellant  
Vs.  
The Municipal Corporation of Greater Bombay ...Respondent

Mr.M.V.Holamagi for Applicant.  
Ms.Madhuri More for Respondent.

**CORAM : S.C. GUPTE, J.**

**19 APRIL 2017**

**P.C. :**

Heard learned Counsel for the parties.

2            This civil application seeks recall of an order of dismissal passed by this court in the AO on the ground of non-prosecution. For the reasons stated in the civil application, the civil application is allowed by recalling that order and restoring the AO on file.

3            Learned Counsel for the Respondent submits that after the order of dismissal was passed by this court on 15 March 2017, on 23 March, 2017, the suit structure was demolished by the Corporation. Learned Counsel has produced for perusal of the court photographs showing the position of the suit structure before its demolition, during demolition and after the demolition. It, thus, appears from the photographs that the suit structure has been demolished by the Corporation.

4            Learned Counsel for the Appellant states that he has not been

given any notice of such demolition and he shall adopt appropriate proceedings in this behalf. He is free to do so.

5           It is made clear that the interim order operating in the AO, till the time it was dismissed, is not restored.

6           The AO to come up for admission on 4 May 2017.

**(S.C. GUPTE, J.)**