

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

**APPEAL FROM ORDER NO. 494 OF 2016
WITH
CIVIL APPLICATION NO. 641 OF 2016
IN
APPEAL FROM ORDER NO. 494 OF 2016**

M/s. Fida Enterprise

...Appellant

Versus

Municipal Corporation for Greater Bombay

...Respondent

.....

Mr.Sachin R.Gelye i/b. Mr. Sumeet Vankadkar for the Appellant.

Mr.J.Reis, Senior Advocate with Mrs. Madhuri More for the
Respondent/ Municipal Corporation.

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**CORAM: MRS.MRIDULA BHATKAR, J.
DATE : DECEMBER 08, 2017**

P.C.:

1. This Appeal from Order is directed against the order dated 13th April, 2016 passed by the learned Ad-hoc Judge, Gr. Mumbai thereby refusing the ad-interim relief in Draft Notice of Motion in L.C.Suit No. 828 of 2016.

2. The respondent/Municipal Corporation has issued notice dated 5th March, 2016 under Section 351 of the Mumbai Municipal

Corporation Act against unauthorized construction of 4th and 5th floor of the building and the Municipal Corporation has also issued second notice dated 8th March, 2016 in respect of unauthorized construction of 6th floor of the building.

3. I am informed by the learned Senior counsel for the Municipal Corporation and learned counsel for the appellant that the Notice of Motion alongwith Chamber Summons is fixed for hearing before the trial Court.

4. It is submitted that the Municipal Corporation has filed reply in Notice of Motion and the appellant has taken out the Chamber Summons for production of the documents. The ad-interim relief was refused on 13th April, 2016. Considering the submissions and the status of the Notice of Motion, I am of the view that the Notice of Motion is to be decided on merits by giving an opportunity to both the parties to produce the documents, which are in their custody.

5. Parties to appear before the trial Court. The trial Court to hear and decide the Notice of Motion on or before 27th February, 2018. Till then, the parties to maintain status quo.

6. With this, Appeal from Order is disposed of. Civil Application is also accordingly disposed of.

(MRIDULA BHATKAR, J.)