

Santosh

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION
APPEAL FROM ORDER (ST) NO.14882 OF 2017
WITH
CIVIL APPLICATION (ST) NO.14884 OF 2017**

P Subramaniam Konar ...Appellant
Versus
The Municipal Corporation Of Greater Mumbai ...Respondents
& Ors

Mr Chetan Yadav, *i/b RV & Co, for the Appellant.*
Mrs Madhuri More, *for the Respondents Nos.1 to 4.*
Mr Sunil Gangan, *with Mr Jayesh M, i/b RMG Law, for Respondent*
No.5.

CORAM: G.S. PATEL, J
DATED: 4th July 2017

PC:-

1. The Plaintiff is in Appeal aggrieved by an order of 3rd May 2017 declining ad-interim reliefs. The learned Judge found that the reliefs claimed were all in the alternate and sought to restrain the Municipal Corporation from performing its statutory duties. That is correct. In addition I find that there are reliefs sought against the 4th Defendant to restrain it from submitting any plan to the MCGM. The learned Judge correctly observed that such injunctions cannot

be granted at the ad-interim stage and adjourned the matter for final hearing of the Motion.

2. The order is unexceptionable. It calls for no interference.

3. The Plaintiff has in the meantime filed Chamber Summons No.892 of 2015 for amendment. That Chamber Summons is to be heard, at the earliest possible. Obviously the Chamber Summons will have to be heard first and the Notice of Motion thereafter.

4. The statement made on behalf of Respondent No.5 that the building has already been demolished and reconstruction work is in progress is noted.

5. With these observations, the Appeal is dismissed. There will be no order as to costs.

6. The Civil Application does not survive and is disposed of accordingly.

7. All contentions are left open. All concerned to act on an authenticated copy of this order.

(G. S. PATEL, J.)