

Atul

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION
APPEAL FROM ORDER ST NO. 15332 OF 2017
WITH
CIVIL APPLICATION ST NO. 15333 OF 2017

Deepak Shivaji Patil	...Appellant
<i>Versus</i>	
The Municipal Corporation of Greater Mumbai	...Respondent

Mr Sachin R Gelye, for the Appellant.
Mrs Madhuri More, for Respondent No. 1-MCGM.

CORAM: G.S. PATEL, J
DATED: 21st June 2017

PC:-

1. By consent, the Appeal is taken up for hearing and final disposal.

2. There is no reason to interfere with the impugned order dated 3rd May 2017. The Plaintiff was given ample opportunity including by the Court. He failed to bring on record any documents showing permission for an unauthorized vertical extension of the first floor of the noticed structure. His claim that he had only changed the asbestos cement sheets proofing was disbelieved. The impugned

order indicates that the Trial Court was careful to look at the inspection reports, photographs and the sketch on record.

3. The Appeal from Order is dismissed. There will be no order as to costs.

4. The Civil Application does not survive and is disposed of as infructuous.

5. The Suit will proceed to trial and will be decided on its own merits uninfluenced by the interim order.

(G. S. PATEL, J)