

Shephali

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY**  
**CIVIL APPELLATE JURISDICTION**  
**CIVIL APPLICATION NO. 2953 OF 2012**  
**IN**  
**FIRST APPEAL NO. 686 OF 2013**

|                                             |                |
|---------------------------------------------|----------------|
| The Municipal Corporation of Greater Mumbai | ...Appellant   |
| <i>Versus</i>                               |                |
| Nawab Ali Suleman (Deleted since expired)   |                |
| Jaffar Ali Nawab Ali Chaudhary              | ...Respondents |

---

**Mr MR Bhoir**, *for the Appellant/Applicant.*  
**Mr Madhav Jamdar**, *i/b BP Shukla, for the Respondents Nos. 1 to 3.*

---

**CORAM: G.S. PATEL, J**  
**DATED: 27th June 2017**

**PC:-**

1. This Civil Application is by the Municipal Corporation which is in Appeal seeking stay of the decree passed by the Trial Judge. By the impugned order, the learned Judge while decreeing the Suit held to be illegal a notice dated 17th July 2004 issued under Section 89 of the Maharashtra Regional & Town Planning Act, 1966 (“**M RTP Act**”), another notice dated 22nd June 2007 under Section 90 of the MRTP Act and the order dated 25th June 2007 passed by the Commissioner , K/East Ward in respect of a 80’ x 25’ structure of tin sheet and asbestos cement sheet roof.

2. In fact a stay is not necessary since the decree only restricts the MCGM from acting pursuant to the two impugned notices and the impugned order. It does not restrain the MCGM from correctly proceeding in accordance with law. This is sufficient clarification.

3. The Civil Application is disposed of. There will be no order as to costs.

**(G. S. PATEL, J.)**