

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION

APPEAL FROM ORDER NO.696 OF 2016

Harbin Navinchandra Jhaveri

... Appellant

Vs.

Municipal Corporation of Greater Mumbai

... Respondent

Ms.Sonal Jhaveri, Constituted Attorney for the Appellant – present
Mr.V.Y. Sanglikar with Mr.Dipen Faria i/b Shah & Furia Associates for
Respondent No.32

Ms.Madhuri More, for Respondent Nos.1 and 2 / Corporation

CORAM: **MRS.MRIDULA BHATKAR, J.**

DATE: **NOVEMBER 3, 2017**

P.C.:

1. The appellant, as per the direction given by this Court on 30.10.2017, has not filed the affidavit of one L & Associates. So, no value can be given to the so called report. I am informed by the learned Counsel for the Corporation and the learned Counsel for respondent No.32 that everybody has vacated the building and the building is in a dilapidated condition. The learned Counsel for Respondent No.32 also makes a statement that after constructing the new building, the Builder will keep one flat vacant and reserved, subject to the outcome of the litigation pending in the Small Causes Court between the husband of the power of attorney holder and the landlady.

2. I do not find any merit in the submissions of the plaintiff, who is the constituted attorney holder of the appellant.

3. Under the circumstances, there is no illegality in the order dated 4.7.2016 passed by the learned Judge of the City Civil Court, Dindoshi. Appeal from Order is dismissed.

4. In view of the dismissal of the Appeal from Order, Civil Application does not survive and the same stands disposed of as such.

(MRIDULA BHATKAR, J.)