

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

APPEAL FROM ORDER (ST.) NO. 21266 OF 2017

Mr. Noor Mohammed Sirajuddin

Through Authorized person

Mr. Kazi Azharuddin

...Appellant

Versus

Municipal Corporation of Greater Mumbai

& Anr.

...Respondents

**WITH
CIVIL APPLICATION (ST.) NO. 21267 OF 2017
IN
APPEAL FROM ORDER (ST.) NO. 21266 OF 2017**

Mr. Noor Mohammed Sirajuddin

Through Authorised person

Mr. Kazi Azharuddin

...Applicant

Versus

Municipal Corporation of Greater Mumbai

& Anr.

...Respondents

.....

Mr.Rameshwar G. Shatalwar for the Appellant.

Mrs. Madhuri More for the Respondents.

.....

CORAM: MRS.MRIDULA BHATKAR, J.

DATED: AUGUST 21, 2017

P.C. :

1. This Appeal from Order is directed against the order dated 14.07.2017 passed by the learned Judge, City Civil & Sessions Court, Gr. Mumbai (C.R.No.11) in Draft Notice of Motion in Suit (L) No. 5529 of 2017 thereby rejecting ad-interim relief.
2. Learned counsel for the appellant/original plaintiff submits that the Municipal Corporation had issued a notice under Section 354-A of the Mumbai Municipal Corporation Act for stopping erection work of ground floor plus first floor. However, the building is ground floor plus four storied. He relies on some electricity bill of Reliance Energy of second floor issued by the Reliance Company.
3. Learned counsel for the respondent-Municipal Corporation points out the observations made by the learned Judge in paragraph nos. 2 and 3 of the impugned order. She further submits that earlier in the year 2016 the Municipal Corporation had demolished the entire structure twice. Despite this demolition, the appellant/original plaintiff has started construction.

4. Learned counsel for the appellant/original plaintiff has given application to the respondent/Municipal Corporation for regularization of the structure.

5. Perused the impugned order. Considering the submissions and the observations made by the learned Judge of the trial Court, I am of the view that no interference is required in the order dated 14.07.2017 passed by the learned Judge, City Civil & Sessions Court, Gr. Mumbai.

6. In view of the above, Appeal from Order is disposed of.

7. In view of the disposal of the Appeal from Order, nothing survives in the Civil Application and the same is disposed of as such.

(MRIDULA BHATKAR, J.)