

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

**CIVIL APPLICATION NO.4262 OF 2006
IN
FIRST APPEAL (ST) NO.23652 OF 2006
WITH
CIVIL APPLICATION NO.4263 OF 2006
IN
FIRST APPEAL (ST) NO.23652 OF 2006
WITH
CIVIL APPLICATION NO.4264 OF 2006
IN
FIRST APPEAL (ST) NO.23652 OF 2006**

Shri.Suresh V. Punekar

..Applicant/Appellant

V/s.

Municipal Corporation of Gr. Mumbai
& Another

..Respondents

Ms.Sulheta Ghaises i/by Mr.D.k. Ghaises for the
Applicant/Appellant.

Mrs.M.R. Bhoir for the Respondent-MCGM.

CORAM : M. S. SONAK, J.

DATE : 09 FEBRUARY 2017.

P.C.

1. There are several Civil Applications in this First Appeal. However, this First Appeal is directed against order dated 27-03-2006 by which the suit itself was disposed of, granting liberty to the appellant to apply for regularization in respect of the suit structure. There was a time schedule set out in the impugned order. Thereafter, extension was applied for which was declined. Such

order is also challenged in this appeal.

2. The learned counsel for the appellant now states that the appellant is not interested to proceed with regularization, as he does not wish to use the garage for either residential or commercial purposes. Instead, the appellant wishes to use the garage only for the purpose of garage. In view of due aforesaid the learned counsel for the appellant submits that there is nothing further remaining to be decided in this appeal. Even otherwise, considering the nature of the impugned order, there is hardly any ground made out to interfere with the same. The matter has been pending since 2006. There are no steps being taken to pursue the Civil Application.

3. Ms.M.R. Bhoir the learned counsel for the MCGM, submits that this Court, by order dated 26 September 2016 in Appeal From Order (Stamp) No.1565 of 2016 has issued certain directions with regard to the building in which the suit garage is situated. The directions relate to the demolition of the entire building including garage for the purposes of the re-development. According to Mr.Bhoir, this is an additional reason as to why no order needs to be made in this appeal.

4. Considering all these, the Civil Applications and the appeals are disposed of. There shall be no order as to costs.

(M. S. SONAK, J.)