

IN THE HIGH COURT OF JUDICATURE AT BOMBAY  
CIVIL APPELLATE JURISDICTION

**CIVIL APPLICATION NO.2224 OF 2017**  
**IN**  
**FIRST APPEAL NO.665 OF 2010**

|                                         |                |
|-----------------------------------------|----------------|
| Shri Nitin Shah                         | ... Applicant  |
| Vs.                                     |                |
| Municipal Corporation of Greater Mumbai | ... Respondent |

Ms.Priti S. shah for the Applicant  
Ms.Mamta Bhoir for Respondent

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

**DATE: AUGUST 8, 2017**

**P.C.:**

1. By this application, the applicant prays for setting aside the order passed by the Registrar (Judicial) dated 29.1.2015 and restore the fa.. No.665 of 2010 to file. The learned Counsel for the applicant submitted that the the First Appeal was dismissed for non-compliance of the order of payment of bhatta charges, printing charges and furnishing copy. The learned Counsel in order to show bonafides of the applicant, pointed out that the order dated 10.8.2010 of this Court in Civil Application No.1702 of 2010 wherein this Court has directed the applicant to furnish by way of security a sum of Rs.50,000/-. The learned Counsel pointed out the receipt of the payment of Rs.50,000/- made on 20.8.2010. She further submitted that after the payment of the security amount, the applicant/appellant had bonafide impression that the other procedural

formalities are complied with. However, when the demolition squad of the Corporation visited his premises on 22.6.2017, the applicant realised that his appeal is dismissed for want of compliance. She submitted that the First Appeal be restored and the portion of the mezzanine floor of the suit structure, which is partly demolished/damaged by the demolition squad be allowed to be reconstructed.

2. The learned Counsel for the Corporation is present and opposed the application. She submitted that a proper application for reconstruction is required and the Corporation wants to file a detailed reply to such a prayer.

3. In view of the above and on perusal of the impugned order as also the payment receipt of Rs.50,000/-, the application is allowed in terms of prayer clause (a). The applicant may file a separate application for reconstruction of the partially demolished / damaged suit structure. The applicant shall comply with all the procedural formalities as mentioned in the impugned order passed by the Registrar (Judicial) on or before 31.8.2017. First Appeal is restored to file alongwith the interim order. No costs.

4. Civil Application stands disposed of accordingly.

**(MRIDULA BHATKAR, J.)**