

Vidya Amin

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION

APPEAL FROM ORDER (ST.) NO. 23791 OF 2017
WITH
CIVIL APPLICATION (ST.) NO.23792 OF 2017 IN A.O.(ST.) NO.23791 OF 2017
WITH
CIVIL APPLICATION (ST.) NO.23793 OF 2017 IN A.O.(ST.) NO.23791 OF 2017

Dayashankar Bhagwandin Mourya ... Appellant/Applicant

Vs.

The Municipal Corporation of Greater
Mumbai

... Respondent

Mr. S.S. Redekar, Advocate for the appellant/applicant.

Mrs. Madhuri More, Advocate for the respondent/Corporation.

CORAM: MRS.MRIDULA BHATKAR, J.

DATE: 21st August, 2017.

P.C.:

Upon urgent mentioning, taken on production board.

2. Leave to amend forthwith.

3. This Appeal from Order is directed against the order dated 27th March, 2017 thereby rejecting the Notice of Motion No. 1470 of 2011 in L.C. Suit 1467 of 2011. After rejection of the said order, interim order was stayed.

4. The learned counsel for the appellant submitted that earlier there was ad-interim relief, however, till filing of the Appeal and till

today, the suit structure is not demolished by the Corporation. Hence, he prays that the protection be granted to the structure pending admission. He further submitted that there is a delay of 99 days in filing the Appeal from Order, which may be condoned.

5. The learned counsel for the Corporation opposed the prayers made by the learned counsel for the appellant.

6. Considering the reasons mentioned in the Civil Application for condonation of delay, sufficient cause is made out for condonation of delay. Hence, Civil Application (ST.) 23792 of 2017 is allowed.

7. Appeal be registered. Place the Appeal for admission on 30th October, 2017. Till then, the Corporation not to take any coercive action against the appellant/plaintiff.

(MRIDULA BHATKAR, J.)