IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION

APPEAL FROM ORDER (ST.) NO. 31004 OF 2017
WITH
CIVIL APPLICATION NO. 952 OF 2017
WITH
CIVIL APPLICATION (ST.) NO. 31006 OF 2017
IN
APPEAL FROM ORDER (ST.) NO. 31004 OF 2017

Mr.Samuel @ Salim Gurujawada Ismail
& Anr. ...Appellants

Versus

The Municipal Corporation for Greater Bombay ...Respondent

.....

Mr.Harshal N.Mirashi for the Appellants.
Mrs.Madhuri More for the Respondent/Municipal Corporation.

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CORAM: MRS.MRIDULA BHATKAR, J.
DATED: NOVEMBER 10, 2017

P.C. :

1. Upon urgent mentioning, taken on Production Board.

2. This Appeal from Order is directed against the order dated 01.06.2017 passed by the learned Addl. Sessions Judge, City Civil Court, Mumbai, thereby rejecting Notice of Motion (St.) No. 5611 of 2017. It is an operative portion and the order is not annexed herewith.

3. Learned counsel for the appellants submits that appellant no.1 is a blind and he has no other place of residence and, therefore, he is to be protected. He further submits that some more time be given to the appellants to shift to other place.

4. Learned counsel for the Municipal Corporation points out that the trial Court has already been given time of two months to the appellants to remove the structure and vacate the footpath. She further submits that the Municipal Corporation has not taken action till September 2017. She further submits that the structure of the appellants is on footpath and the notice under Section 314 of the Mumbai Municipal Corporation Act, 1888 was issued against them.

5. Considering the submissions made by the learned counsel for both the sides, I am of the view that there is no substance in the Appeal and the same is disposed of.

6. In view of the disposal of the Appeal from Order, nothing survives in the Civil Applications and the same are disposed of as such.

(MRIDULA BHATKAR, J.)