

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION

CIVIL APPLICATION NO. 4758 OF 2016
IN
FIRST APPEAL NO. 889 OF 2010

Mr. S. Sunder	..	Applicant
vs.		
Brihanmumbai Municipal Corporation & Ors.	..	Respondents

Ms Gauri Jadhav for Applicant.
Ms M. R. Bhoir for MCGM.

CORAM : M. S. SONAK, J.
DATE : 16 MARCH 2017

P.C :

1] The apprehension expressed in this civil application need not survive since, the Corporation has filed an affidavit stating that they are not disturbing the applicant's structure. As per the order dated 7 September 2010, it is clarified today that by a separate order, there is restraint upon the Corporation to execute its notice under section 351 and to demolish the suit premises. Since, the Corporation states that it is not disturbing the suit premises, there is no basis for apprehension expressed by the applicant in this civil application.

2] The applicant obviously, cannot, complain if the Corporation protects its own property or undertakes any activities on the rest of the property, without demolishing the suit premises during the pendency of this appeal. Besides, the Corporation has already been

granted liberty to apply to this court for vacation of interim relief, in case they wish to set up their project and such project, warrants demolition of the suit premises. It is clarified that the applicant can have no objection to the Corporation protecting its own property by construction of a compound wall. The civil application is disposed of accordingly. The *status quo* order granted earlier need not continue.

(M. S. SONAK, J.)

Chandka