

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

**APPEAL FROM ORDER (ST.) NO. 32232 OF 2017
WITH
CIVIL APPLICATION (ST.) NO. 32234 OF 2017
IN
APPEAL FROM ORDER (ST.) NO. 32232 OF 2017**

Smt.Satpal Kaur W/o. Rajinder Singh
Sohansingh

...Applicant/
Appellant

Versus

The Municipal Corporation of Greater
Mumbai

...Respondent

.....

Ms.Neeta S.Madhyan for the Appellant.
Mrs.Madhuri More for the Respondent/Municipal Corporation.

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**CORAM: MRS.MRIDULA BHATKAR, J.
DATED: NOVEMBER 20, 2017**

P.C. :

1. Upon urgent mentioning, taken on Production Board.
2. This Appeal from Order is directed against the order dated 10.11.2017 passed by the learned Civil Judge, City Civil Court, Borivali Div. Dindoshi, Mumbai, thereby refusing the ad-interim relief in Draft Notice of Motion in L.C. Suit No. 1552 of 2017.

3. After inspection and the report dated 07.11.2017 submitted by the Inspection Officer, Public Health Department, the notice was issued by the Municipal Corporation to the plaintiff to stop preparation of food items in the premises within 48 hours from the receipt of the said report. The trial Court has refused the ad-interim relief by order dated 10.11.2017 and hence, this Appeal from Order.

4. Perused the licence issued under the Maharashtra Shops and Establishments Act, 1948, the licence issued by the Health Department in favour of the appellant/plaintiff, the photographs and NOC dated 16.03.2013 issued by Fire Department.

5. *Prima-facie*, it appears that the appellant/plaintiff is preparing the food items under the roof, which is well constructed structure. In view of the above, the order dated 10.11.2017 passed by the learned Civil Judge, City Civil Court, Borivali Div. Dindoshi, Mumbai, is set aside. Ad-interim relief is granted as prayed by the learned counsel for the appellant. The Municipal Corporation not

to take any coercive action till the final hearing of the Notice of Motion.

6. With this, Appeal from Order is disposed of. Civil Application is also accordingly disposed of.

(MRIDULA BHATKAR, J.)