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IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION
APPEAL FROM ORDER NO. 1219 OF 2015
WITH
CIVIL APPLICATION NO. 1548 OF 2015

Yunus Umrethiya S/o Ismail Umrethiya ...Appellant
Versus
Municipal Corporation of Greater Mumbai & Ors ...Respondents

None for the Appellant.

Mr F Reis, Senior Advocate, with Madhuri More, for the
Respondent/MCGM.

CORAM: G.S. PATEL, J
DATED: 13th June 2017

PC:-

1. None for the Appellant. This is an Appeal of 2015 that has been listed before. There was an ad-interim order dated 14th December 2015 when the Appellant was represented by the learned Senior Advocate. That order restrained the Municipal Corporation from demolishing any part of the structure below the seventh floor without following the due process of law. The same order also said that the Appellant would not carry out any further construction without obtaining permission from the Municipal Corporation.

2. Mr Reis on behalf of the Municipal Corporation states that the building is uninhabitable. The first and mezzanine floors have been damaged in the course of demolition. The seventh floor has also been demolished as was permitted by an order dated 7th December 2015.

3. In this view of the matter, and since the Plaintiff is no longer present, I do not see what purpose will serve by simply adjourning the Appeal.

4. The Appeal is dismissed. There will be no order as to costs.

5. The Civil Application is disposed of as infructuous.

6. The MCGM will be at liberty to take such action as it deems fit in accordance with law in respect of the suit structure.

(G. S. PATEL, J)