

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
ORDINARY ORIGINAL CIVIL JURISDICTION
WRIT PETITION NO. 2322 OF 2017

Kakad Cooperative Housing Society Ltd. ... Petitioner.
V/s.
The Municipal Corporation of
Greater Mumbai and anr. ... Respondents.

Mr. Mahendra Agvekar a/w. Mr. Sujal V. i/b Mr. RR. Gehani for the
Petitioner.
Ms Pallavi Thakar for Respondent No.1.
Ms Mehak Bookwala Shetty i/b Zohair & Co. for Respondent No.2.

CORAM : A.S. OKA AND M.S. SONAK, JJ.
DATE : 14TH DECEMBER 2017.

P.C.:

- 1] Heard learned counsel appearing for the petitioner.
- 2] The first respondent initiated action against the 2nd respondent by issuing a show cause notice. An order was passed on the show cause notice directing demolition.
- 2] The 2nd respondent has filed a civil suit in the City Civil Court at Dindoshi in which ad-interim injunction has been granted by learned Judge of the City Civil Court restraining the 1st respondent from taking action of demolition. So long as the ad-interim relief is in force, no action can be taken of demolition.
- 3] Therefore, at this stage, it is not necessary to entertain the present petition. Accordingly, this petition is disposed of. In the event the

Municipal Corporation fails to take action of demolition, after ad-interim relief is vacated, it will always be open to the petitioner to file an appropriate proceedings, in accordance with law.

4] We make it clear that we have made no adjudication on the merits controversy in the suit.

(M. S. SONAK, J.)

(A.S.OKA, J.)