

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
ORDINARY ORIGINAL CIVIL JURISDICTION**

**WRIT PETITION NO.2326 OF 2016
WITH
CHAMBER SUMMONS NO.105 OF 2017
IN
WRIT PETITION NO.2326 OF 2016**

Mr. Jaspal A. Wig and Ors.Petitioners

Vs.

Mumbai Municipal Corporation and Ors.Respondents

Mr. Bhavesh Parmar i/b. Mr. V.P. Yadav for the petitioners.
Mr. P.G. Lad for the applicant in chamber summons no.105 of 2017.
Ms. Pallavi Thakar for the respondent no.1.
Mr. R.N. Kachare for the respondent no.4.

**CORAM : A.S. OKA &
SMT. VIBHA VASANT KANKANWADI, JJ
DATE : 16th JUNE, 2017**

PC.:

1 Heard learned counsel appearing for the parties. There are three reports of the Structural Consultants on the structural status of the building in question. The report earlier produced by the petitioners of M/s. S.P. Consultants records that the building is repairable. Subsequently, M/s. S.P. Consultants addressed a letter to the Assistant Commissioner, 'D' Ward stating that the earlier report was submitted under tremendous political pressure and he has stated that the building has been classified in C-1 category. In the meanwhile, a part of the building has collapsed. Therefore, this writ petition involves disputed questions of facts as regards the structural status of the building which can be appropriately decided only by

a Civil Court.

2 Hence, we reject this petition under Article 226 of the Constitution of India with liberty to the petitioners to file a civil suit.

3 To enable the petitioners to file appropriate proceedings and seek appropriate relief, the ad-interim order operative till today is extended by a period of one month from today. We make it clear that the concerned Court will decide the prayer for ad-interim and interim relief without being influenced by the ad-interim relief granted by this Court. All contentions on merits are kept open.

4 The pending chamber summons does not survive and is disposed of.

(SMT. VIBHA KANKANWADI, J.)

(A.S.OKA, J.)