

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
NAGPUR BENCH : NAGPUR

SECOND APPEAL NO.249 OF 2016

SHANKARDAS S/O SHRAWANDAS NIMJE
VS
NAGPUR MUNICIPAL CORPORATION

Office Notes, Office Memoranda of Coram,
appearances, Court's orders of directions
and Registrar's orders

Court's or Judge's orders

Shri S. D. Khati, Advocate for the appellant.

CORAM : A.S. CHANDURKAR, J.
DATED : JUNE 14, 2017.

The appellant who is the original plaintiff is aggrieved by the judgment of the trial Court by which the suit for declaration that notice dated 3-3-2003 issued under Section 286 of the City of Nagpur Corporation Act, 1948 was illegal. The appeal filed by him was also dismissed.

It is the case of the appellant that he was in occupation of ancestral property which had become dilapidated. Though he had applied for permission to repair the premises, a notice for removal of the construction came to be issued. According to the respondent, the construction made by the plaintiff was exceeding the limits and without permission of the competent authority. After the parties led evidence, it was found that it was not proved that the property was situated in slum area. It was further found that the construction was not preceded by any permission. The suit was accordingly dismissed and the appellate Court

confirmed the said finding.

After hearing Shri Khati, learned Counsel for the appellant in support of the appeal, I find that the plaintiff did not lead sufficient evidence on the basis of which any decree could have been passed in his favour. It was not proved that the suit property was situated in slum area. Similarly, no permission was brought on record to indicate that the construction made was legal and valid.

Hence, the second appeal does not give rise to any substantial question of law. Same is accordingly dismissed. No costs.

JUDGE

/MULEY/