

Vidya Amin

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION

**APPEAL FROM ORDER (ST.) No. 1024 OF 2018
WITH
CIVIL APPLICATION (ST.) No. 1025 OF 2018**

Smt. Zahida Mobin A. Siddiqui ... Appellant/Applicant
Vs.

The Municipal Corporation of Greater
Mumbai & Anr. ... Respondents

Mr, Jagdish N. Jayale, Advocate for the appellant/applicant.
Mrs. Madhuri More, Advocate for the respondent/Corporation.

CORAM: **MRS.MRIDULA BHATKAR, J.**
DATE: **15th January, 2018.**

P.C.:

Upon mentioning, taken on production board.

2. This Appeal from Order is directed against the order dated 9th January, 2018 passed by the learned Ad-hoc Judge of City Civil Court, Borivali Division, Dindoshi, Mumbai thereby rejecting the ad-interim relief in Draft Notice of Motion in L.C. Suit No. 40 of 2018.

3. The plaintiff's husband was running a shop under the name and style as "M/s. Beauty Handbags (Noor Bags) situated at Shakuntala Building, 33rd Road, Khar. It is the case of the non-renewal of licence. The Corporation sent notice in the name of husband of the

appellant that he should produce the documents alongwith application of renewal within three days from the date of notice. However, the notice was received by the appellant on or about 24th November, 2017. Thereafter she made representation, however, it was late. The DMC/Z-III passed an order on 12th December, 2017 and directed the appellant to close down the shop and remove all the articles and stall within 48 hours and issued notice to that effect on 20th December, 2017. Hence, the suit challenging the said notice was filed. Ad-interim relief was refused.

4. After perusal of the documents and the orders passed by the relevant authorities and after hearing the submissions of the learned counsel for both the sides, I am of the view that as the husband of the appellant in whose name the licence stood is expired, the appellant is to be given opportunity to make representation along with the documents afresh to the Corporation. The appellant's husband was having the licence since 1987. Therefore, I am of the view that one opportunity is to be given to the appellant and the Corporation after considering the documents, decide the representation afresh. I am informed that the matter is fixed before the trial Court on 1st March, 2018. Till then, the ad-interim protection

granted against the impugned notice to the Corporation in favour of the appellant. The appellant may move representation and documents on or before 23rd January, 2018. DMC, Zone-III, M-West shall decide the representation on or before 31st January, 2018 and thereafter shall file the reply before the trial Court. The trial Court to proceed with the matter.

5. With this, Appeal from order is disposed of. Civil Application is also accordingly disposed of.

(MRIDULA BHATKAR, J.)