

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION

**APPEAL FROM ORDER ST. NO. 2852 OF 2018
WITH
CIVIL APPLICATION ST. NO. 2857 OF 2018
IN
APPEAL FROM ORDER ST. NO. 2852 OF 2018**

Bandish Bogilal Ajmera
Trustees of Smt. Samjiben Shamlji Ajmera
Trust

...Appellant

Versus

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

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Mr.C.G.Gavnekar i/b. Mr. Suhas S. Deokar for the Appellant.
Mrs. M.R.Bhoir for the Respondents/ Municipal Corporation.

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CORAM: **MRS.MRIDULA BHATKAR, J.**
DATE : **JANUARY 30, 2018**

P.C.:

1. Upon urgent mentioning, taken on Production Board.
2. This Appeal from Order is directed against the order dated 15th January, 2018 passed by the learned Judge, City Civil Court, Borivali Division, Mumbai thereby refusing the ad-interim relief in Draft Notice of Motion in L.C.Suit No. 05 of 2018.

3. The learned Counsel for the appellant submits that the appellant/original plaintiff has filed the suit for temporary injunction. The respondent/ Municipal Corporation has issued notice dated 25th April, 2017 under Section 351 of the Mumbai Municipal Corporation Act alleging that the suit structures are unauthorized. He further submits that the structures are on the open plot owned by the trust and some persons are working for the said trust. The appellant is ready to demolish all the structures, which are the subject matter of the notice dated 25th April, 2017. He seeks time to make an arrangement of his staff members in some alternate accommodation. He further submits that the children of the staff members are taking education in nearby schools and, therefore, they are not to be dishoused immediately.

4. The submissions made by the learned counsel for the appellant are accepted. Time is granted. The appellant is directed to remove all the suit structures and shift all his staff members from the said structures on or before 30th April, 2018. This is to be considered as a last date. No further time will be granted to remove unauthorized structures. Hence, Appeal from Order is disposed of.

5. In view of disposal of the Appeal from Order, Civil Application does not survive and the same is accordingly disposed of.

(MRIDULA BHATKAR, J.)