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**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION**

**APPEAL FROM ORDER NO.410 OF 2018
WITH
CIVIL APPLICATION NO.546 OF 2018.**

Mr. Vadilal Kunwarji Gada	...	Appellant
V/s.		
Municipal Corporation of Greater Mumbai	...	Respondent

Mr. Jayant Prakash i/by Jitendra J. Shah, for the
appellant.
Mrs. Madhuri More, for respondent corporation.

CORAM : DR.SHALINI PHANSALKAR-JOSHI, J.

DATE : 1st OCTOBER, 2018.

P.C. :

- 1] Heard learned counsel for the appellant and respondent.
- 2] This appeal is preferred against the order dated 21.03.2018, of refusal of ad-interim relief, passed by the City Civil Court, Mumbai, in Notice Motion No.624 of 2018 in L.C. Suit No.354 of 2018.
- 3] The perusal of the order passed by the Trial Court goes to show that the notice under Section 354A of the Mumbai Municipal Corporation Act, was issued as it was found that the appellant has undertaken unauthorized construction. It was also found that the

structure standing in the suit premises was already demolished by the Municipal Corporation and the appellant has not disputed this material fact.

4] In view thereof, the trial Court has rightly refused to grant relief in favour of appellant, who is seeking equitable relief of injunction. Therefore, no interference is warranted in the impugned order passed by the trial Court. The appeal, being without merit stands dismissed.

5] In view of dismissal of Appeal itself, pending Civil Application therein becomes infructuous and the same is disposed off accordingly.

[DR.SHALINI PHANSALKAR-JOSHI, J.]