

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

**CIVIL APPLICATION NO. 2274 OF 2018  
IN  
FIRST APPEAL NO. 2127 OF 2008**

Salmanbhai Mohammed Nooor ... Applicant

**In the matter between**

Municipal Corporation of Greater Bombay ... Appellant

V/s.

Salmanbhai Mohammed Nooor ... Respondent

- Mr.Pradeep J. Thorat for the Applicant.
- Mr.Prashant Sutar for the Appellant/MCGM.

**CORAM : DR.SHALINI PHANSALKAR-JOSHI, J.**

**DATE : 26<sup>th</sup> SEPTEMBER, 2018.**

**P.C. :**

1] This is an application filed by the Applicant, who is the Respondent in this Appeal, to increase the height of the roof of the present suit premises, subject to the outcome of the present First Appeal.

2] Having heard learned counsel for the Applicant and the Respondent, it has to be held that such permission cannot be granted by this Court, because the Applicant has to make proper application with the Municipal Corporation. If any such application is made by the Applicant, the Corporation may decide the same in accordance with law, despite pendency of this appeal.

3] The Civil Application is disposed of in above terms.

**[DR.SHALINI PHANSALKAR-JOSHI, J.]**