

*Sarnobat*

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

**APPEAL FROM ORDER (STAMP) NO. 17502 OF 2018  
ALONGWITH  
CIVIL APPLICATION (STAMP) NO. 17503 OF 2018**

Mr. Mubeen Haji Mohammed Petiwala. ... Appellant.  
Vs.  
The Municipal Corporation for Greater Bombay. ... Respondent.

Mr. Ankit R. Tripathi I/by Mr. Dinesh Kumar Pandey, for the Appellant.  
Mrs. M. R. Bhoir, for the Respondent.

**CORAM : V. M. DESHPANDE, J.**

**DATE : 28<sup>th</sup> JUNE, 2018.**

**P. C. :**

1. Heard Shri Tripathi the learned counsel for appellant and Smt. Bhoir for the respondent/Corporation. The present appeal is directed against the order dated 15<sup>th</sup> June, 2018 passed in draft Notice of Motion by which the Court below has refused ad-interim relief

2. It is to be noted that the notice under Section 354-A was issued by the Corporation. Page No. 64 of the compilation shows that the Trial Court has directed the appellant/plaintiff to remain present in the office of the Corporation along with the documents and the Corporation was directed to consider the documents and pass the speaking order. According to the learned counsel for appellant in

pursuance to the said directions, appellant appeared before the designated officer and submitted his documents. The learned designated officer passed the speaking order dated 29<sup>th</sup> May, 2018 by which the designated officer directed the appellant to remove unauthorized extension of room in front of room no. 3 with M.S. Angle frame work, brick masonry wall and A.C. Sheet Roof on top with a dimension which are observed in the order. Thus, the learned designated officer found that there was no authorization in favour of the appellant for raising any type of construction.

3. Since there is no authorization in favour of the appellant, in my view the Court below has not committed any error in not granting any ad-interim relief in his favour and therefore, has rightly rejected the prayer for ad-interim relief. The same is confirmed.

4. However, Notice of Motion is still pending before the Court below. Hence, the Court below is directed to decide the said Notice of Motion in accordance with law after giving opportunity to all the parties.

5. With this appeal is dismissed and disposed of accordingly. All the Civil Applications are disposed of.

**[ V. M. DESHPANDE,J.]**