

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

**APPEAL FROM ORDER NO. 178 OF 2016
WITH
CIVIL APPLICATION NO. 241 OF 2016**

Shabnam Rajendra Ballal	...	Appellant
V/s.		
The Municipal Corporation of Greater Mumbai	...	Respondent

- Mr.Altaf Khan i/b. Anjali Awasthi for the Appellant.
- Mrs.Madhuri More for the Respondent-MCGM.

CORAM : DR.SHALINI PHANSALKAR-JOSHI, J.

DATE : 11th SEPTEMBER, 2018.

P.C. :

1] Heard learned counsel for both the parties.

2] This Appeal is preferred against the order dated 12/12/2015 passed by the City Civil Court, Mumbai in Notice of Motion (St.) No.14756 of 2015.

3] Learned counsel for the Appellant fairly concedes that the Appellant is not having permission or the sanctioned plan in respect of suit structure. However, according to him, his structure is in slum area, it is protected.

4] However, in this respect, it is also admitted by the Appellant that the Writ Petition No.2815 of 2016 preferred by the Appellant is already dismissed by the Division Bench of this Court on 20/07/2017.

4] In view thereof, when apparently the structure is illegal and unauthorized, no protection can be granted and hence, no interference is warranted in the impugned order passed by the trial Court refusing the ad-interim relief.

5] The Appeal therefore being without merits stands dismissed.

6] In view of disposal of the Appeal, nothing survives in the Civil Application and hence, it stands disposed of.

[DR.SHALINI PHANSALKAR-JOSHI, J.]