

Sharayu Khot.

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
ORDINARY ORIGINAL CIVIL JURISDICTION**

NOTICE OF MOTION NO. 40 OF 2018

IN

WRIT PETITION NO. 1204 OF 2013

Shining Star Co-operative Society Ltd.

**...Applicant/
Petitioner**

Versus

**The Commissioner of Municipal
Corporation of Greater Mumbai & Ors.**

...Respondents

Mr. Abhishek Deshmukh, for the Petitioner.

Mr. Bharat Joshi, for the Respondents.

**CORAM : ABHAY S. OKA AND
RIYAZ I. CHAGLA, JJ.**

DATE : 22 March 2018

ORDER :

1. Not on board. Taken on board.

2. Heard the learned Counsel appearing for the Applicant. The substantive challenge in the Petition is to the order dated 26 February 2013 passed by Municipal Commissioner approving amalgamation. Now by this Notice of Motion, the Applicant which is the Writ Petitioner is seeking a *writ of mandamus* directing implementation of a notice issued under Sub-Section 1 of Section 53 of the Maharashtra Regional and Town Planning Act, 1966. The second prayer is based on the findings in the report of the experts regarding structural status. Third prayer is for allowing inspection of the flats and the fourth prayer is for directing the Respondents to pay arrears of maintenance and repair work.

3. Interim relief can be granted only in the aid of final relief sought in the main Writ Petition. Considering the nature of final reliefs sought in the main Writ Petition, the prayers made in the Notice of Motion are beyond the scope of the Petition.

4. Accordingly, we decline to entertain this Notice of Motion. We dispose of the Notice of Motion.

5. However, remedies of the Applicant to seek reliefs claimed in the Notice of Motion are kept open.

[RIYAZ I. CHAGLA J.]

[ABHAY S. OKA, J.]