

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
ORDINARY ORIGINAL CIVIL JURISDICTION
NOTICE OF MOTION NO. 246 OF 2017
IN
WRIT PETITION NO.1593 OF 2015

Joyce Rath Nath and Anr. ..Applicants
(Org. Petitioners)

IN THE MATTER BETWEEN

Joyce Rath Nath and Anr. ..Petitioners

vs.

Ravi Sawant and ors. ..Respondents

Mr.J.G. Damani for the applicant/Petitioner.
Mr.S.B. Gore, AGP for the respondent/State.
Ms.K.H. Mastakar, for the respondent/MMC.
Mr.Rakesh Mishra, for respondent No.5A.

**CORAM : A.S. OKA &
RIYAZ I. CHAGLA, JJ.**

DATE : 25th APRIL, 2018

P.C.

1 The substantive prayer in this Notice of Motion is for directing respondent No.8 Municipal Corporation to carry out repairs to a privately owned building which is owned by a co-operative society. Under the Mumbai Municipal Corporation Act, 1888 (for short “the said Corporation”), there is no provision which enjoins the said Corporation to carry out repairs to a privately owned dilapidated building.

2 Therefore, prayer clause (a) seeking directions against respondent No.8 to carry out repairs to a privately owned building cannot be granted.

3 Prayer clause (b) is a consequential prayer.

4 As regards prayer clause (c), it is a prayer for temporary relief till the Municipal Corporation completes the work of repairs. Therefore, no relief can be granted.

5 Hence, the Notice of Motion is dismissed. However, appropriate remedies of the applicants are kept open.

(RIYAZ .I.CHAGLA, J)

(A.S. OKA, J)