

Shephali

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
ORDINARY ORIGINAL CIVIL JURISDICTION
LEAVE PETITION NO. 217 OF 2018
IN
SUIT (L) NO. 609 OF 2018**

Abbot Anthony Quinny	...Petitioner
<i>Versus</i>	
Vaibhav Development Corporation & Ors	...Respondents

Mr HV Kumarswami, *for the Petitioner.*
Mr Wasim Shaikh, *i/b Pravin Mehta & Mithi & Co, for the*
Respondents Nos. 3 & 4.
Mr AR Shaikh, *i/b ASD Associates, for the Respondent No. 5.*

CORAM: G.S. PATEL, J
DATED: 17th July 2018

PC:-

1. This is a Petition for waiver of notice under Section 80(2) of the Code of Civil Procedure 1908 (“CPC”) to grant exemption from giving statutory notice to the State Government. The second part of the prayer seeks exemption from giving notice under Section 527 of the Mumbai Municipal Corporation Act 1888.

2. The second part of the reliefs sought cannot be granted. There is no provision for waiver of notice under Section 527 of the Mumbai Municipal Corporation Act 1888.

3. On the face of it there is no urgency such as to warrant an exemption even under Section 80 of the CPC. The Plaint itself shows that the Law and Judiciary Department of the State of Maharashtra cleared the file for handing over the property for road widening on 6th July 2014. The Plaintiff himself objected as far back on 16th October 2017. I am also informed that the Plaintiff had earlier filed a Writ Petition.

4. On the averments and prayers of the Petition, it is not possible to grant leave.

5. The Petition is dismissed.

(G. S. PATEL, J)