

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

NOTICE OF MOTION NO. 405 OF 2016
IN
WRIT PETITION NO. 861 OF 2016

M/s.Jain Soaps Industries.	...	Applicant.
In the matter between		
M/s.Jain Soaps Industries.	...	Petitioner.
V/s.		
The Municipal Corporation of Greater Mumbai		
and others.	...	Respondents.

Mr.Jarin Doshi i/b. M/s.Doshi & Co. for the applicant/petitioner.

Mr.R.S.Apte, Senior Advocate with Ms.Shital Mane
for the respondent- MMC.

CORAM : A.S.OKA AND RIYAZ I CHAGLA, JJ.

DATE : 21st March 2018.

PC.:

Heard the learned counsel for the applicant. The applicant is the writ petitioner. As far as prayer clause (a) of the notice of motion is concerned, virtually an identical prayer has been made in prayer clause (a) of the main writ petition. The said prayer has been deleted by the petitioner. Therefore, same prayer cannot be sought by way of interim relief.

2. As far as prayer (b) is concerned, today, an affidavit has been filed by Shri Milind M. Ghalsashi, Assistant Engineer (Maintenance), P/South Ward in which it is stated that as per Annexure-II, in respect of very structure claimed by the applicant, an alternate accommodation has been provided to the fourth respondent who has been placed in possession. In view of this statement, interim relief in terms of prayer clause (b) cannot be granted.

3. Hence, no relief can be granted in this notice of motion. The notice of motion is dismissed.

(RIYAZ I. CHAGLA, J.)

(A.S.OKA, J.)