

Tandle

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION
APPEAL FROM ORDER (ST) NO. 486 OF 2018
WITH
CIVIL APPLICATION (ST) NO. 490 OF 2018

Gaus Amjadali Mohammed Yusuf

... Appellant.
(Orig. Plaintiff)

Versus

The Municipal Corporation of Greater
Mumbai and Ors.

... Respondents.
(Orig. Defendants)

.....
Mr. S. P. Srivastava for the Appellant.
Smt. Madhuri More for Respondent No.1 – MCGM.

.....
CORAM : A. S. GADKARI, J.
DATE : 5th NOVEMBER, 2019

P. C. :

1] The present appeal is directed against the Order dated 19th September 2017 passed by the learned Ad-hoc Judge, City Civil Court, Borivali Division Dindoshi, Mumbai in Notice of Motion No. 2539 of 2017 in L.C. Suit No. 2048 of 2017, thereby issuing the notice to the defendants and directing them to file Affidavit-in-reply to the notice of motion and disposing of the ad-interim relief prayed by the appellant in the notice of motion.

2] The Trial Court has recorded a finding that, on the date of the passing of the said Order dated 19th September 2017, the respondent – Corporation did not issue notice of demolition of the suit structure and

inspite of the said fact the appellant is seeking a mandatory injunction from the Court.

3] The record indicates that, even as of today, the respondent No.1 – Corporation has not issued notice for demolition of the suit structure, as observed by this Court in its Order dated 11th December 2007 passed in First Appeal (St.) No. 21610 of 2007 and other related appeals.

4] In view of the above, I find no merit in the appeal, and the same is accordingly dismissed.

5] In view of the dismissal of the appeal, Civil Application (St.) No.490 of 2018 does not survive and is accordingly disposed off.

(A. S. GADKARI, J.)