

Urmila Ingale

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION
APPEAL FROM ORDER NO. 191 OF 2019
WITH
CIVIL APPLICATION NO. 230 OF 2019

Ramnik Manilal Savla	.. Appellant
Vs.	
Municipal Corporation of Greater Mumbai	.. Respondent

Ms.Minal N. Doshi, for the Appellant.
Mrs.Madhuri More, for MCGM.

CORAM : M.S.KARNIK, J.

DATE : 21st JUNE, 2019

P.C. :

- . Heard learned Counsel for the appellant.
2. Learned Counsel for the appellant invited my attention to the application for regularization dated 21/06/2019 filed by the appellant for regularizing the suit structure. The said application is made to the Assistant Engineer (B & F) N ward.

3. Learned Counsel for the appellant, on instructions, submits that the appellant wants to pursue the said application for regularization. Learned Counsel for the Corporation submits that the application is not made in the proper form and as per procedure. Moreover, the application is not made to the designated authority. In her submission, the application should be made to the Executive Engineer, Building Proposal Department, Eastern Suburb, Ghatkopar. The said application is taken on record and marked as Exhibit 'X'. In this view of the matter, the present Appeal from Order can be disposed of by passing following order.

ORDER

(i) The appellant to make an application for regularization in the proper form to the Executive Engineer, Building Proposal Department, Eastern Suburb, Ghatkopar.

(ii) If an application for regularization of the suit structure is made in the proper form as per procedure prescribed within a period of 2 weeks from today, the said application to be considered in accordance with law within

a period of 6 weeks from the date of receipt of application.

(iii) In the event, the application for regularization is rejected, the Corporation is free to take further steps in accordance with law in respect of the suit structure subject to the rights of the appellant to challenge the order rejecting the regularization.

(iv) Learned Counsel for the appellant states that he will apply to the trial Court for withdrawal of the Suit. Needless to mention that no action to be taken against the suit structure till application of the regularization is decided.

4. Appeal From Order disposed of in the above terms.

5. In view of disposal of the Appeal from Order, Civil Application does not survive and the same shall stand disposed of accordingly.

(M.S.KARNIK, J.)