

DDR

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION**

**APPEAL FROM ORDER NO. 625 OF 2015
WITH
CIVIL APPLICATION NO. 772 OF 2015
IN
APPEAL FROM ORDER NO. 625 OF 2015**

Vidya Bhojwani and anr. ..Appellants

vs.

The Municipal Corporation of Greater
Mumbai & ors. ..Respondents

....

Ms. Kruttika Pokale I/b. Avinash Gokhale for appellants.
Mrs. Madhuri More for MCGM.

....

CORAM : M.S.KARNIK, J.

DATE : 1st AUGUST, 2019

P.C. :

Heard learned counsel for the appellants. Additional affidavit filed by learned counsel for the appellants is taken on record.

2. It is stated that the construction of building in question is completed. The suit is pending before the trial Court.

3. A grievance is made by learned counsel for the appellants that the building was a commercial building but the developers illegally changed the user to residential.

4. Considering the subsequent developments and that now the building is completed, the issues raised by the appellants will have to be dealt with by the trial Court on merits.

5. Needless to mention that all steps taken during the pendency of this Appeal by the respondent - developer will be subject to the outcome of the suit and the developer will not claim any equities. This order is passed as despite service of notice the respondents failed to appear.

6. Subject to these observations, the Appeal is dismissed.

7. In view of the disposal of the Appeal, nothing survives for consideration in the Civil Application. The Civil Application is disposed of.

(M.S.KARNIK, J.)