

vai

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION

CIVIL APPLICATION NO. 2072 OF 2009
IN
FIRST APPEAL NO. 970 OF 2017

The Municipal Corporation of Greater Bombay ...Applicant

V/s.

Mrs. Savitri D'Souza ...Respondent

Mr. Sheetal Mane Tadke i/by Mr. R. A. Malandkar for the Applicant.

Ms. S. V. Sonawane for the Respondent.

CORAM : R.D. DHANUKA, J.
DATE : 11TH NOVEMBER, 2019.

P.C. :-

1. Learned counsel appearing for the applicant seeks stay of the impugned judgment and decree dated 29th January, 2008 by which the suit filed by the respondent (original plaintiff) was decreed in terms of prayer clauses (a) to (c). The suit was filed for declaration that the notice dated 11th July, 1995 and the order dated 4th April, 1998 issued by the applicant in respect of the suit premises was illegal, void and liable to be set aside and for permanent injunction to restrain the applicant from demolishing the suit premises. The decree passed by the learned Trial Court cannot be stayed in the facts of this case. The applicant however, is directed not to create any third party rights in respect of the impugned structure and shall not carry out further construction without prior permission of the Municipal

Corporation.

2. The civil application is made absolute on aforesaid terms.
There shall be no order as to costs.

3. The applicant is directed to file private paper book within eight weeks from today with a copy to be served upon the respondent's advocate simultaneously.

(R.D. DHANUKA, J.)