

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

**APPEAL FROM ORDER NO.385 OF 2019
WITH
CIVIL APPLICATION NO.458 OF 2019
IN
APPEAL FROM ORDER NO.385 OF 2019**

Atmaram Y. Hazare ... Appellant
Versus
Municipal Corporation of Greater Mumbai ... Respondent

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Mr. Ashok M. Saraogi for Appellant.
Mrs. Oorja Dhond for MCGM/Respondent.

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**CORAM : M. S. KARNIK, J.
DATE : 19th JUNE, 2019.**

P. C.:

1. Heard learned counsel Mr. Saraogi for appellant and learned counsel Mrs. Dhond for the respondent.
2. The impugned order dated 28.03.2019 is passed by the Judge, City Civil Court, Mumbai. In the suit the plaintiff is challenging the notice dated 27.04.2015 and the order dated 29.07.2016 passed under Section 354-A of the MMC Act, 1888.
3. In the order passed by the Judge, City Civil Court it is clearly mentioned that the suit structure is demolished on 14.05.2015. However the plaintiff denied that the suit structure is demolished by the defendant.

4. In the suit order under Section 354-A was under challenge. The learned counsel for the appellant submits that the suit structure is not demolished. If this is the position, it will always open for the appellant to take appropriate proceedings in this regard to establish this claim.

5. Subject to what is observed here in above nothing remains for consideration in the present Appeal. The Appeal From Order is rejected.

6. In view of the rejection of the Appeal, nothing survives for consideration in Civil Application. Civil Application is disposed of accordingly.

7. Status quo granted by this Court on 21.05.2019 to continue for a period of one week from today.

(M. S. KARNIK, J.)