

Tandle

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION
APPEAL FROM ORDER NO. 610 OF 2019
WITH
CIVIL APPLICATION NO. 690 OF 2019

Municipal Corporation of Greater
Mumbai

... Appellant/
Applicant.

Versus

Mr. Usman Gani J. Khatri,
Partner of M/s. National (India)
Contractors & Engineers

... Respondent.

.....

Smt. Madhuri More i/b N. A. Shaikh for for the Appellant/Applicant-
(MCGM).

Mr. Sanjiv Sawant for the Respondent.

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CORAM : A. S. GADKARI, J.

DATE : 10th DECEMBER, 2019

P. C. :

1. By the present appeal, the appellant has impugned Order dated 19th November 2016 passed in Notice of Motion No. 2384 of 2012 in L.C. Suit No. 2194 of 2012 filed by the respondent, thereby allowing the said Notice of Motion.

2. The record indicates that, the respondent has instituted the aforestated suit, thereby challenging Notice dated 26th June 2012 issued under Section 53(1) of the Maharashtra Regional and Town Planning Act, 1966 and Order dated 7th September 2012 passed thereon. By the

impugned Order, the Trial Court has directed the Corporation, not to act upon the said notice dated 26th June 2012 and Order dated 7th September 2012 till the disposal of the suit.

3. The record indicates that, during the pendency of the present appeal, the respondent/original plaintiff has expired and his legal heir is brought on record in the said suit. That, the plaintiff has already filed affidavit of evidence in lieu of the examination-in-chief and the plaintiff's witness has been summoned for cross examination on 10th January 2019.

In view of the subsequent developments, this Court is of the view that, there is no need to interfere with the impugned Order dated 19th November 2016 at such a belated stage.

4. In view of the peculiar facts and circumstances of the present case, Appeal is disposed off.

5. In view of the disposal of the Appeal, Civil Application No.690 of 2019 does not survive and is accordingly disposed off.

(A. S. GADKARI, J.)