

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

CIVIL APPLICATION NO. 3037 OF 2019

IN

FIRST APPEAL NO. 378 OF 2019

Office Notes, Office Memoranda of Coram, appearances, Court's orders or directions and Registrar's orders	Court's or Judge's orders.
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Vishal Kanade i/b Dhirendra Singh for the Applicant.
Sheetal Mane for MCGM.

CORAM: K.K.TATED, J.

DATED : OCTOBER 1, 2019

P.C.

1 Heard Learned Counsel for the parties.

2. By this Civil Application, the Applicant/Original Plaintiff is seeking permission to construct temporary shed on the land admeasuring 22x16 Sq.ft. whereupon the suit premises was there i.e. situated at Zopada No.1, Near Chagan Mitha Petrol Pump, M.G. Road, Opp. Air Force Building, Azad Maidan, Mumbai 400001.

3. it is to be noted that, in the present proceeding, the Applicant/Original Plaintiff filed suit for declaration that the demolition

action taken by the Corporation on 20/10/2016 was illegal. That Suit came to be dismissed by the Trial Court.

4. Considering the fact that the Applicant's Suit stood dismissed, there is no question of permitting the Applicant to carry out construction activity on the said plot of land.

5. In view of these facts, following order is passed:

- a. The Civil Application stands dismissed.
- b. No order as to costs.

(K.K.TATED, J.)