

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

**APPEAL FROM ORDER NO. 373 OF 2016
WITH
CIVIL APPLICATION NO. 487 OF 2016**

Smt.Kalpana Gena Mohal	...	Appellant
V/s.		
The Municipal Corporation of Greater Bombay & Anr.	...	Respondents

Mr.Darshan Jain i/b. Mr.Suraj Kudalkar for Appellant.
Ms.Oorja Dhond for Respondent No.1-Corporation.

CORAM : A.S. GADKARI, J.

DATE : 2nd December 2019.

PC. :

1] By the present Appeal, the appellant has impugned Order dated 15th October 2015 passed in Draft Notice of Motion in L.C. Suit No.2351 of 2015, thereby refusing to grant ad-interim relief in favour of the appellant by the learned Adhoc Judge, City Civil Court, Greater Mumbai.

2] Heard Mr.Jain, learned counsel for the appellant and Ms.Dhond, learned counsel for the respondent No.1-Corporation. Perused the record.

3] The appellant has filed the aforestated suit thereby challenging Order dated 1st October 2011 passed under Section 354-A of the Mumbai Municipal Corporation Act (for short, “the said Act”), thereby directing the

appellant to pull down and/or demolish the structure more specifically mentioned in the said notice, which was in dilapidated condition.

4] A perusal of plaint would indicate that, in para No.2, the plaintiff herself has pleaded that after service of notice upon her, the Corporation has already partly demolished the suit premises.

5] In view thereof, the Trial Court has rightly refused to grant ad-interim relief in favour of the appellant.

After perusing the entire record, this Court is of the considered view that, the Trial Court has not committed any error either in law or on facts while refusing to grant ad-interim relief in favour of the appellant by the impugned Order.

6] I find no merits in the Appeal, Appeal is accordingly dismissed.

7] In view of dismissal of the Appeal, nothing survives in the Civil Application and is accordingly disposed off.

[A.S. GADKARI, J.]