

Urmila Ingale

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION
APPEAL FROM ORDER NO. 841 OF 2018
WITH
CIVIL APPLICATION NO. 1086 OF 2018

Mr.Sayeduzzman Shamshuddin Khan	.. Appellant
Vs.	
The Municipal Corporation of Greater Mumbai and anr.	.. Respondents

Ms.Namrata Kadam I/b Mr.Amarnath R. Bhatt, for the
Appellant.
Mrs.Madhuri More, for MCGM.
Mr.Anil D.Kshirsagar, Assistant Engineer (Marit), M Ward.

CORAM : M.S.KARNIK, J.

DATE : 19th JULY, 2019

P.C. :

. The impugned order passed by the trial Court proceeded on the footing that the plaintiff has not filed any document to indicate that the suit premises is part of the area which is declared as slum under section 4(i) of the Slum Act. Learned Counsel for the Corporation has now submitted copy of the communication dated 19/07/2019 wherein it is clearly

mentioned that area bearing CTS Nos. 344 of village Chembur has been declared as 'Census Slum' as per datum line of year 2000. It is further stated that henceforth any action on the structure in the slum area will be taken by MCGM under the 'Slum Improvement Act 1971' following due process of law.

2. In this view of the matter, the impugned order dated 01/10/2018 passed by the City Civil Court, Mumbai is set aside. The City Civil Court to re-hear the Notice of Motion No. 643 of 2015 in terms of the communication dated 19/07/2019 which will be brought on record by the plaintiff. Ad-interim order granted on 30/01/2015 by City Civil Court to continue till the decision on the Notice of Motion. Learned Trial Judge to decide the Notice of Motion within a period of 8 weeks from today.

3. Appeal is allowed. In view of disposal of the Appeal, Civil Application does not survive and the same shall stand disposed of.

(M.S.KARNIK, J.)