

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

**CIVIL APPLICATION NO. 204 OF 2015
IN
FIRST APPEAL NO. 90 OF 2015**

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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G. V. Murti with Mohan Rao i/b MSR & Associates for the Applicant.

Sheetal Mane for MCGM.

**CORAM: K.K.TATED, J.
DATED : OCTOBER 15, 2019**

P.C.

1 Heard learned Counsel for the parties.

2 By this Civil Application, the Applicant is seeking stay of the operation and implementation of the impugned Judgment and order dated 22/11/2014 passed by the Small Causes Court, Mumbai in Municipal Appeal No. 10/2008.

3. In the present proceeding, the Respondent-Corporation filed affidavit in reply dated 25/09/2019. Para. 8 of the said affidavit reads thus:

“8. I say that so far as the property tax pending amount is concerned, nothing pending and paid till the date. However, the repair cess amount Rs. 50,71,596/- is pending towards the Appellant.”

4. The Learned Counsel for the Applicant submits that, in the present proceeding, issue is only about property tax. They are not liable to pay any repair cess. They have no objection if the Respondent takes appropriate action against the owner of the property. He submits that, in view of the statement made by the Respondent in their affidavit in reply dated 25/09/2019, he is not pressing the present Civil Application.

5. Hence, the following order:

- a. The Civil Application stands disposed of as not press
- b. No order as to costs.

(K.K.TATED, J.)